



Appeal Decision

Site visit made on 17 April 2024

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14.05.2024

Appeal Ref: APP/Y0435/D/24/3337546

28 Great Linch, Middleton, Milton Keynes, MK10 9BF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Culhane against the decision of Milton Keynes Council.
 - The application Ref 23/02442/HOU, dated 31 October 2023, was refused by notice dated 22 December 2023.
 - The development proposed is erection of single storey rear, double storey side, first floor above existing double garage extensions and double garage conversion.
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Decision

1. The appeal is dismissed insofar as it relates to the double storey side, first floor above existing double garage extensions and double garage conversion. The appeal is allowed insofar as it relates to the erection of a single storey rear extension and planning permission is granted for a single storey rear extension at 28 Great Linch, Middleton, Milton Keynes, MK10 9BF in accordance with the terms of the application, Ref 23/02442/HOU, dated 31 October 2023, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted (single storey rear extension only) shall be carried out in accordance with the following approved plans: Drawing No. 010; Drawing No. 200; and Drawing No. 201
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupants of number 17 Great Linch, with particular regard to privacy.

Reasons

3. The appeal property is a detached two storey 'L' shaped dwelling with a single storey attached garage. It is situated within a modern estate, in which the properties are grouped closely together.

4. The proposal is to extend the dwelling as described in the heading above. A single storey extension would be constructed at the rear and a two storey extension at the side, plus an extension above the garage is also proposed. In addition, the garage would be converted into a gym. Four parking spaces are shown in front of the converted garage.
5. The Council considers the design and scale of the extensions to be acceptable and I have no reason to disagree with that assessment. They would complement the existing property and they would not detract from the streetscene. Overall, in terms of design the proposal would accord with Policies D1, D2 and D3 of the Milton Keynes Plan 2016-2031 (MKP). These policies generally seek to ensure that the design of new development responds to the site, its context and local character.
6. Turning to the two storey side and garage extensions, I share the Council's concerns regarding the effect of the proposal on the privacy currently enjoyed by occupants of number 17 Great Linch, which faces the side of the appeal property.
7. The only window to bedroom 4 in the proposed two storey side extension would be positioned close to the shared boundary between the two properties. Although it would look out onto and into number 17 at an angle, it would still result in a substantial loss of privacy to the occupants of the neighbouring dwelling, both in the house and within their garden. I observed at my site visit that there is some intervening vegetation, but this is not particularly dense and clear views would still be possible.
8. Policy D5 of the adopted MKP states (amongst other things) that all proposals will be required to create and protect a good standard of amenity and overlooking should be "limited to an acceptable degree". For the reasons given above, the proposal would conflict with Policy D5.
9. However, this concern does not apply to the single storey rear extension, which would not have an adverse impact on neighbouring property. Consequently, I can issue a split decision.

Conditions

10. The Council has suggested conditions in the event of the appeal being allowed. As I am issuing a split decision, the conditions apply to the single storey rear extension only. In addition to the standard condition requiring development to commence within 3 years, a condition specifying the approved plans is also necessary. A further condition requiring the use of matching external facing materials is also imposed. This is necessary to ensure a satisfactory external appearance.

Conclusion

11. For the reasons given above, it is concluded that the appeal be allowed in relation to the single-storey rear extension. Regarding the double storey side, first floor above existing double garage extensions and the double garage conversion, the appeal is dismissed.

Ian McHugh

INSPECTOR