



Appeal Decision

Site visit made on 23 July 2024

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th August 2024

Appeal Ref: APP/Y0435/W/23/3329223

27 Pinders Croft, Greenleys, Milton Keynes MK12 6AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Pravince Property Solutions Ltd against the decision of Milton Keynes Council.
 - The application Ref is 22/02069.
 - The development proposed is described as one bedroom bungalow built to rear land of 27 Pinders Croft. Existing outbuilding to be demolished.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted an additional parking statement in support of the appeal. Having regard to the principles established by the Courts in *Holborn Studios Ltd*¹ the additional information does not involve a substantive difference or a fundamental change. Furthermore, having regard to the procedural tests, I do not consider that any other party would be prejudiced by my acceptance of it. I have therefore considered the additional parking statement as part of this appeal.
3. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended.
4. In addition, on 30 July 2024 the Government published a consultation on proposed reforms to the Framework and made a written ministerial statement (WMS) titled "Building the homes we need". Given that those parts of the draft Framework most relevant are not proposed to be amended I consider there is no requirement for me to seek further submissions on the Framework, the consultation or written ministerial statement. I am satisfied that no party's interests would be prejudiced by my taking this approach.

Main Issues

5. The main issues are:
 - i) the effect of the proposed development on the character and appearance of the area;

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWCH 2823 (Admin)

- ii) the effect of the proposed development on the living conditions of the existing occupiers of No 27 and the future occupiers of the proposed dwelling, with particular regard to privacy; and
- iii) the effect of the proposal on parking provision, including electric vehicle charging.

Reasons

Character and appearance

6. The appeal site lies within a residential area. The prevailing character of Pinders Croft and the surrounding streets are of two-storey terraced properties of a uniform appearance, arranged in perimeter block form with shared parking and amenity areas.
7. It is understood that the appeal site comprises the garden to No 27. However, at the time of my visit I observed the site to be subdivided from the host property by a fence to the appeal site's eastern boundary. A single storey garage building was *in situ* at the time of my visit, which is largely screened from wider view by the presence of tall fencing to its boundaries and a gate to the northern boundary.
8. The proposed building would have a low height, not dissimilar to the garage it would replace. However, overall, the form, scale and character of the proposal, including its own garden, would not be read as an ancillary structure. The proposed development would be read as an independent dwelling, and on this basis, would be out of character with the prevailing pattern of development. Furthermore, I failed to observe any single storey or detached dwellings within the locality, and as such the proposal would be discordant with the character and appearance of properties within the locality.
9. The external finish of the proposed development could be conditioned if I were to allow the appeal, however, this would not sufficiently mitigate the harm I have identified in respect of the character and appearance of the area.
10. Planting could be accommodated within the appeal site. However, such planting would take a number of years to establish. In any event screening should not be used to conceal what is an otherwise unacceptable form of development.
11. For the reasons stated, I conclude that the proposed development would be harmful to the character and appearance of the area. Conflict therefore arises with policies D1, D2 and D3 of Plan:MK 2016 – 2031 adopted March 2019 (Plan:MK) which require an appropriate response to the surroundings, a layout, massing and scale that has a positive character and in particular developments are of an appropriate scale in relation to neighbouring buildings. The proposal would also conflict with the Framework which seeks to ensure that development is sympathetic to local character, and which adds to the overall quality of the area.

Living Conditions

12. The proposed dwelling's garden would be positioned to the east of the appeal site, adjacent to the shared boundary. A bedroom and living/dining room window would be positioned on the eastern elevation of the proposed dwelling. No 27 is a two-storey property with numerous first floor windows to its rear elevation, that face the appeal site. The existing boundary fence would prevent

overlooking at ground floor for both properties. Nevertheless, given the proximity of No 27 to the shared boundary overlooking of the proposed garden and, to a lesser extent, habitable room windows would occur from the first-floor windows of the existing property. This overlooking would be detrimental to the living conditions of future occupiers.

13. Accordingly, I conclude that the proposed development would not provide for satisfactory living conditions for future occupiers, with particular regard to privacy. Conflict therefore arises with policy D5 of Plan:MK which seeks to protect a good standard of amenity.

Parking

14. The layout of the estate includes for shared parking areas within local roads, predominately in the form of parking bays. From the information before me the appeal site has previously benefited from a vehicular access and been used for on-plot parking. However, there appears to be ambiguity over its current use due to the fading of access protection markings and parking bays where these markings were previously sited.
15. In accordance with the Council's Parking Standards SPD 2023 (SPD) 1no parking space would be required for the proposed dwelling.
16. As part of the appeal the appellant has undertaken an assessment of parking in the locality. However, it is unclear what days and times the photographs were taken. Whilst only a snapshot in time, during a quieter part of the day, I observed during my site visit that the parking bays on Pinders Croft and surrounding streets were well used, but there was capacity for additional vehicles. Given the limited scale of the proposed development I am satisfied that the additional parking demand could be accommodated within the locality.
17. The Council does not allege that the lack of parking provision would be detrimental to highway safety, and I have no reason to reach a different view in this regard. The absence of on-plot parking would reflect existing parking arrangements for dwellings in the vicinity of the appeal site. On this basis, combined with the limited scale of development and availability of parking opportunities locally, I consider these factors to constitute a mitigating circumstance for not meeting the SPD requirements.
18. The Council cites the lack of electric vehicle charging facilities in their reason for refusal. Whilst there would be conflict with this policy, as the proposal does not provide for on-site parking it cannot reasonably be expected that such charging points could be provided. Given I have found the parking arrangements to be acceptable, the lack of compliance with policy CT6 of Plan:MK in respect of electric car charging provision is not fundamental to the appeal proposal.
19. The appellant submits that on-site parking is unsuitable as in order to facilitate this two vehicle parking spaces would be lost from the parking bay and that the redway, which runs to the front of the appeal site, would be compromised by vehicles traversing it. I concur that this would result in a net loss of public parking provision. Nevertheless, such a proposal does not form part of the application plans before me and is therefore not determinative to the appeal scheme before me.

20. For the reasons stated above, I find no conflict with policy CT10 of Plan:MK, which states, amongst other matters, that all development should meet the Council's full parking standards, unless mitigating circumstances dictate otherwise.

Other Matters

21. I am satisfied that the proposed dwelling would be provided with sufficient space for a private garden area. This, however, is a neutral factor that weighs neither for nor against the proposal.
22. The proposed development would make a small contribution to the delivery of housing for the area. I acknowledge that the Framework is supportive of small and medium sized sites, such as this site, which can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. The development would give rise to some economic benefits during the construction phase and provide limited support to local services through additional consumer spending. Given the Council's ability to demonstrate adequate housing land supply is not contested whilst these would be benefits, given the scale of the proposed development these benefits would be modest and would not outweigh the harm I have identified.
23. My attention has been drawn to permission for a one-bed bungalow² on the appeal site. I am not party to the plans or the evidence before the decision maker and so cannot be certain of the circumstances in allowing such development. Nevertheless, it is understood that this permission has now expired. I therefore afford this limited weight. In any event, I have determined the appeal proposal on its own merits based on the evidence before me.
24. Any concerns regarding due process during the processing of the planning application fall outside of the remit of this decision.

Conclusion

25. Whilst I find no harms in respect of parking provision, for the above reasons, the appeal proposal would conflict with the development plan when read as a whole. There are no material considerations that indicate I should conclude other than in accordance with it. Accordingly, the appeal is dismissed.

R Gee

INSPECTOR

² Office reference 19/00454/FUL