



Appeal Decision

Site visit made on 10 December 2024

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2024

Appeal Ref: APP/Y0435/D/24/3347248

37 Minerva Gardens, Wavenden Gate, Milton Keynes MK7 7SR

- 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 Mr & Mrs J Rickel against the decision of Milton Keynes City Council.
 - The application Ref is 24/00537/HOU.
 - The development proposed is for a single storey front extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the planning application, the subject of this appeal was determined a new version of the National Planning Policy Framework (the 'Framework') has been published (12 December 2024). There has been no material change to National planning policy in respect of householder proposals and therefore I considered that it was not necessary to refer back to the parties. I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the appeal proposal upon the character and appearance of the area; and upon the living conditions of the occupants of 38 Minerva Gardens, with specific reference to outlook and sunlight.

Reasons

Character and Appearance

4. The appeal site comprises a semi-detached house within a residential estate, it is located at right angles to 38 Minerva Gardens that backs on to the appeal site's north western boundary.
5. The appeal dwelling has a staggered front elevation comprising a two storey gable that projects beyond that of the principal range, and an attached single storey garage to its north western facing flank with a pitched roof running from front to back, and a driveway in front of it.
6. The house currently has a shallow front garden which would be largely lost to make way for the proposal. I acknowledge that no36 has a front entrance that terminates at approximately 0.4m from the back edge of the footpath, however that is a rather unusual layout and generally runs counter to the prevailing pattern of development in the locality. No38 does have a wall enclosing its side garden that is situated on the back edge of the footpath, however it constitutes a not unexpected, and robust form of boundary treatment of limited height.

7. No16 Minerva Gardens has a wrap-around single storey front and side extension that terminates on the back edge of the footpath. Whilst it is not for me to comment on the appropriateness of this, or otherwise, it does demonstrate a far more urban form of development than in the majority of the road; and in many ways demonstrates how the appeal proposal would erode the current green space between the north eastern elevation of the appeal dwelling and the highway.
8. I accept that the appeal proposal would be finished in matching materials that could be secured by a planning condition and whilst in itself the size of the proposal would not be excessive, due to the very nature of the site and its relationship to the road, it would be of a cramped and contrived appearance, reducing the relative spaciousness of the street scene where the principal elevations of houses tend to be fairly well set back from the public highway.
9. Consequently I consider that the proposal would have a harmful effect upon the character and appearance of the area and is contrary to Policies D1, D2 and D3 of the Plan:MK 2016-2031 adopted March 2019 (Plan MK) and Policy WNP15 of the Walton Neighbourhood Plan October 2022 which together permit development proposals if they meet a number of objectives/principles, including that the development proposals as a whole respond appropriately to the site and surrounding context, as well as a continuity of street frontage also ensuring that the layout of development and appearance of buildings exhibit a positive character, ensuring that the design shall enhance the quality of the built environment.

Living Conditions

10. The ground floor rear habitable room windows of no38 look directly into its rear garden and the flank elevation of the appeal property. The proposal would increase built form along the shared boundary, albeit at single storey height with a modest gap between the top of the boundary wall and the eaves of the proposed carport.
11. The scheme would undoubtedly give rise to a loss of outlook from the neighbouring property and by virtue of its orientation would cause a degree of overshadowing, although I am not convinced that it would result in a material loss of sunlight in this particular case. The carport would also be covered by a hipped roof that would pitch away from no38 which would reduce its overall massing and bulk.
12. On balance, I consider that the scheme would not be unduly overbearing and consequently in respect of living conditions alone, the proposal would comply with Plan:MK Policy D5 which requires proposals to create and protect a good standard of amenity for buildings and, amongst other things, should ensure that the levels of sunlight and daylight within buildings and garden areas are satisfactory whilst ensuring that new development is not overbearing upon them as well. However, this does not outweigh the harm that the proposal would cause to the character and appearance of the area.

Conclusion

13. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR