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## Appeal Decision

Site visit made on 3 December 2024

**by Adrian Hunter BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 January 2025**

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**Appeal Ref: APP/Y0435/W/24/3346580**

**19 Nevill Close, Hanslope, Milton Keynes MK19 7NY**

- 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 C Stewart-Baker against the decision of Milton Keynes Council.
  - The application Ref 24/00550/FUL, dated 6 March 2024, was refused by notice dated 28 May 2024.
  - The development proposed is the construction of a detached dwelling.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published during the consideration of this appeal on 12 December 2024. The references in my decision to the paragraphs in the Framework relate to this new document.

### Main Issues

3. The main issues in this appeal are:
  - the effect of the proposed development upon the character and appearance of the area, and the nearby Hanslope Conservation Area and Grade 1 Listed Building;
  - the effect of the proposed development upon the living conditions of surrounding residents and future residents of the proposed development; and
  - whether the proposal makes adequate provision for off-street car parking.

### Reasons

#### *Character and appearance*

4. The appeal site comprises the side garden area of an existing, single storey, semi-detached dwelling. The area is presently occupied by an existing garden shed, garage, carport and garden walls. These would be removed to allow for the erection of the proposed development.
5. The surrounding area is predominately residential, which is characterised by a mix of detached and semi-detached properties, including a row of semi-detached bungalows, at the end of which lies the appeal site. Properties are

arranged around a series of cul-de-sacs and are set within reasonable plots, with parking and open space to the front, with private gardens to their rear. As a result, the character of the area is one of sub-urban development, with spaces and gaps between the dwellings being an important feature.

6. The proposed development would introduce a new, two storey detached dwelling to the side of the existing appeal property. The proposed development would be positioned close to the appeal property and as a result, it would occupy a comparatively small and narrow plot. Consequently, there would be little space between the appeal property, the neighbouring property and the proposed development. This would result in a cramped appearance, indicative of overdevelopment. Furthermore, whilst the neighbouring property is a two-storey dwelling, due to the height, scale and design of the proposed development it would represent a form of development at odds with both the appeal property and others on the same side of Nevill Close. As a result, the proposal would introduce a form of development which would be out of keeping and therefore harmful to the character and appearance of the area.
7. Whilst the floor area of the proposed dwelling would be only slightly greater than that of the ancillary buildings to be removed, it would be of a considerably greater scale, mass and bulk. As a consequence, the proposed development would be considerably more prominent in the street scene. Furthermore, due to its size, design and appearance, it would fail to respond to the design of the host property and those around it. Neither do I consider it to be of its own distinctive character so as to justify its development. It would therefore appear as an incongruous form of development, out of keeping with the character and appearance of the area.
8. In relation to the nearby Hanslope Conservation Area and Church of St James the Great (Grade 1 Listed Building), whilst I have found that the proposed development would harm the character and appearance of its immediate locality, due to the distance and the intervening development, I do not find that the proposed development would cause harm to either of these designated heritage assets.
9. I therefore conclude that the proposed development would be harmful to the character and appearance of the area and, in this respect, would be contrary to Policies D1, D2 and D3 of the Plan:MK 2016-2031 (Plan:MK), Policy HAN4 of the Hanslope Neighbourhood Development Plan and the Framework. Amongst other things, these policies seek to ensure development proposals respond appropriately to their site and context, they exhibit a positive character and require buildings to be of an appropriate scale to other buildings in the immediate vicinity.

#### *Living conditions*

10. The proposed development would be provided with its own, private rear garden area, accessed directly from the proposed dwelling. In terms of its size, whilst it would be smaller than those around it, I consider it would be of sufficient depth and width to ensure that sufficient private space is available for future residents. In this respect, I conclude that the proposed development makes adequate provision for the living conditions of future residents.
11. The proposed development would be located in close proximity to the boundary of the appeal site with No.11 Newport Road. Whilst the side elevation of No.

- 11 Newport Road has no windows that face directly onto the appeal site, it does have a number of openings in its rear elevation, including a set of patio doors, which lead into the rear garden area. At present, views from these doors and the garden area accessed from these doors is of the existing boundary wall and the roof of the existing outbuilding.
12. The proposed development would introduce a 2-storey dwelling in close proximity to the neighbouring dwelling. Given this proximity, along with the overall scale and height of the proposed development, it would be a visually prominent and dominant form of development when seen from both the rear patio doors and the rear garden immediately in front of these doors. As such, it would represent an overbearing form of development that would have an adverse effect upon the living conditions of the residents of No. 11 Newport Road.
13. Whilst I have found no harm to the living conditions of future residents as a result of the proposed development, I have found that due to its height and position in relation to the boundary, it would harm the living conditions of No.11 Newport Road, due to being a visually prominent, dominant and overbearing form of development.
14. For the above reasons, I therefore conclude that, due to its visually prominent, dominant and overbearing nature, the proposed development harms the living conditions of neighbouring residents and, in this respect, is contrary to Policy D5 of Plan:MK and the Framework. This policy, amongst other things, seeks to ensure that new development is not overbearing upon existing buildings.

#### *Car parking*

15. The proposed development would include off-road provision for four vehicles, with two spaces allocated to the proposed development and the remaining two allocated to the host property. These spaces would be accessed directly from Nevill Close. To access both spaces C and D as labelled on the Proposal Plan, it would necessitate driving over the existing pavement. No details have been provided to demonstrate how the dropped kerb arrangement would be altered to ensure that such a manoeuvre could be undertaken safely. Furthermore, no evidence has been provided to demonstrate that vehicles are able to access or egress the spaces safely.
16. I acknowledge that the spaces are located at the end of a cul-de-sac and therefore the level of vehicular and pedestrian activity may well be lower than other locations. I also note that the existing dwelling currently benefits from three off-street spaces in a similar location. However, I do not consider this to be sufficient reason to justify the provision of the substandard off-street car parking.
17. Therefore, taking a precautionary approach and without any evidence to demonstrate that the proposed parking spaces would operate satisfactorily, I conclude that the proposed development would have a detrimental effect upon highway safety and, in this respect, would be contrary to Policies CT2 and CT10 of Plan:MK and the Framework. These policies, amongst other things, seek to ensure that parking areas meet the Council's standards and are well designed.

## **Conclusion**

18. I have found that the proposed development would not harm the living conditions of future occupants of the appeal site. However, this is outweighed by the harm to the living conditions of residents of No.11 Newport Road, the effect of the proposed development upon the character and appearance of the area and its detrimental effect upon highway safety.
19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Adrian Hunter*

INSPECTOR