



Appeal Decision

Site visit made on 11 February 2025 by E Street BSc (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st March 2025

Appeal Ref: APP/Y0435/W/24/3350983

5 The Orchard Parkway, Woburn Sands, Milton Keynes MK17 8UH

- 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 and Mrs Plowman against the decision of Milton Keynes Council.
 - The application Ref is 24/01232/FUL.
 - The development proposed is described as “demolition of existing bungalow and garage. Construction of new replacement single storey dwelling with associated landscaping works”.
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Decision

1. The appeal is dismissed.

Appeal Procedure, Preliminary Matter and Main Issue

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal. In addition, a revised National Planning Policy Framework (Framework) was published prior to the determination of this appeal. The substantive parts of the new version do not however differ from the previous insofar as they relate to the main issue which is the effect of the proposal on the character and appearance of the area. The cases of the main parties will not therefore be prejudiced by my reference to the new version.

Reasons for the Recommendation

3. The appeal site is an existing bungalow which is to be demolished to facilitate the new dwelling. A previous planning permission granted for a replacement dwelling of very modern design on the appeal site is extant. The prevailing building type on the street consists of primarily bungalows with some two storey dwellings towards the end of the cul-de-sac. The majority are set back from the road with large gardens and off street parking. They vary in their design with an amalgamation of materials and rooflines being used.
4. The Council have no objection to the siting and overall footprint of the scheme, and I have no reason to disagree. The proposed dwelling would take on a modernistic, blocky style with a primarily flat roof and complementary materials. Whilst the use of grey render and timber cladding is not a prevailing material amongst the group of dwellings, the material choice would sit appropriately with the proposed design and styling. Moreover, the previously approved scheme introduced materials of this type to which the change and increase would not be significant or detract from the varied character.

5. The flat roof form, whilst marginally taller than the surrounding buildings, would retain a modest height and due to the sufficient set back from the road, would not be an unusual feature. Additionally, the removal of the garage would not result in the building being substantially more visible that would result in harm to the street scene. The full height windows and roof overhang would sit comfortably with the overall design of the building and notwithstanding their dissimilarity to the prevailing character, would still harmonise with the overall design. I agree that the dwelling would be striking and individual, but then so would the extant scheme.

Conclusion

6. Given the above context, the proposal would not harm to the character and appearance of the area. It would therefore comply with Policies D1, D2 and D3 of Plan: MK 2019 which together seek to ensure that development proposals are of a high-quality design and standard, amongst other things.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

7. The original planning application was submitted to and made valid by the Council on 12 June 2024. The application form states that the scheme would be exempt from Biodiversity Net Gain (BNG) requirements as it was de-minimis (development below the threshold). It also states that the scheme would be a self-build. The appellant has confirmed that they chose this option as the exemption for self-build development was not on the application form at this time.
8. The main parties were consulted on their position of whether they considered the site to fall under the statutory duty for BNG. The appellant provided additional evidence surrounding how the development would be a self-build scheme. The Council have raised their concern around a condition securing the development as a self-build and the enforceability of such, which I share. In the absence of a more suitably robust mechanism such as a planning obligation/legal agreement, the development would not be properly secured as a self-build and, consequently, revert to an open market dwelling.
9. The Council therefore suggested a condition to request a biodiversity metric to be submitted post permission. However, I have no sufficiently detailed evidence to know what the current baseline situation of the site is, and resultantly am unable to understand what a gain would equate to in either quantitative or qualitative terms. It would not be appropriate, following the precautionary principle, to grant a planning permission that may then affect the very things that a BNG assessment, before understanding what a gain would be, would need to take into account.
10. With this in mind, and notwithstanding my representatives' findings on the planning merits of the appeal scheme with which I agree. The appeal would not meet the statutory duty for BNG. I am therefore unable to allow it, and it has to be dismissed.

John Morrison

INSPECTOR