



Appeal Decision

Site visit made on 9 April 2025

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 May 2025

Appeal Ref: APP/Y0435/D/24/3350752

45 Linford Avenue, Newport Pagnell, Milton Keynes MK16 8BZ

- 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 Marshall against the decision of Milton Keynes Council.
 - The application Ref is 24/01322/HOU.
 - The development proposed is single storey side extension to form new garage. Removal of garden wall and new dropped kerb.
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Decision

1. The appeal is allowed and planning permission is granted for single storey side extension to form new garage. Removal of garden wall and new dropped kerb at 45 Linford Avenue, Newport Pagnell, Milton Keynes MK16 8BZ, in accordance with the terms of the application, Ref 24/01322/HOU, and subject to the conditions in the attached schedule.

Main Issue

2. The main issue is whether the proposed access would be acceptable with regard to highway safety.

Reasons

3. The appeal site is in a residential area where houses are typically accessed from driveways to the front of the property, requiring vehicles to cross over the pavement. In some instances, these accesses are close to junctions with other residential roads. For example, the vehicular access to 78 Linford Avenue is close to the junction with Tennyson Drive. However, given the relatively tightknit nature of the residential roads, and the presence of some on-street car parking, vehicle speeds are likely to be reasonably low. Moreover, no substantive evidence is before me to indicate that highway safety at such junctions has been an issue in the locality.
4. In addition, the frequency of vehicles coming in and out of the appeal site is likely to be low. This further limits the potential for highway safety concerns and opportunities for the proposed access to cause confusion. Although the appeal site has vehicular parking at the rear of the site, the proposal would provide more convenient access from the front of the site. Moreover, I am not persuaded that closure of the rear parking area would be necessary in order to justify allowing the appeal in the circumstances of this case.
5. Therefore, the proposed access would be acceptable with regard to highway safety. It therefore accords with Policy CT2 of the Milton Keynes Council Plan:MK

2016-2031 (March 2019). Amongst other matters this seeks to ensure proposals provide safe access. It would also comply with Policy CT10 of Plan:MK which includes a requirement for development to meet the Council's parking standards.

Conditions

6. In addition to the standard time limit condition, conditions are imposed to require that the development is carried out in accordance with the approved plan and using materials that match the existing building. This is in the interests of certainty and proper planning. A condition is also imposed to require the submission of details of the dropped kerb/crossover in the interests of highway safety.

Conclusion

7. For the reasons given, the appeal is allowed.

Rachel Hall

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing no PL01 Rev B.
- 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.
- 4) Prior to the first use of the vehicular access hereby permitted, details of the dropped kerb/crossover shall be submitted to and approved in writing by the local planning authority. The works shall be undertaken in accordance with the approved details prior to the first use of the access by vehicles and shall thereafter be retained as such.