



Appeal Decision

Site visit made on 19 May 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: 26 June 2025

Appeal Ref: APP/Y0435/D/25/3362174

8 Fortune Street, Brooklands, Milton Keynes MK10 7NJ

- 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 Gurgen Hovhannisyan against the decision of Milton Keynes Council.
 - The application Ref is PLN/2024/2574.
 - The development is a wooden fence to the back of the carport and a roller door to the front of the carport.
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Decision

1. The appeal is allowed, and planning permission is granted for a wooden fence to the back of the carport and a roller door to the front of the carport at 8 Fortune Street, Brooklands, Milton Keynes MK10 7NJ in accordance with the terms of the application, Ref PLN/2024/2574 subject to the following condition:
 - 1) The development hereby permitted is as it is shown on the approved plans as far as they show the Existing House Ground Floor plan and Car Port Floor plan at 1:100 scale and the Existing and Proposed Floor Plans and Elevations, including details of the materials and finishes, at 1:100 scale.

Appeal Procedure and Preliminary Matter

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.
3. I have used the description from the application form, but omitted the additional explanatory text for clarity as to what development the appeal relates. This has not altered any part of the appeal scheme nor prejudiced the ability of any of the main parties to make their case in respect thereof. Works in pursuant of the appeal scheme have also taken place. I have therefore considered it retrospectively.

Main Issues

4. The main issues are a) the effect of the development on the character and appearance of the area; and b) whether or not there is sufficient car parking to serve the dwelling.

Reasons for the Recommendation

Character and Appearance

5. The appeal building is a mid-terraced dwelling featuring an open carport at the ground floor with an inserted roller door which, when closed, sits flush against the front elevation. The wider street scene is characterised by dwellings of uniform

design with matching carport openings and materials which garner a distinct and high-quality utilitarian appearance with a repeating opening rhythm. This lends a pleasant consistency to the character and appearance of the area.

6. The Council have not raised any concerns regarding the fence to the rear of the carport. I have no reason to disagree. The roller door is a modest addition in the grand scheme and when up still retains the even rhythm to openings across the group of buildings. At my site visit, the door was open and closed upon request. It was then re-opened when I departed, indicating that it would not be closed all of the time. When down, the door not only matches the colour finish of the fenestration of roof cladding to the complex, but also assimilates well with the semi-industrial feel of the buildings' utilitarian design. The appeal scheme therefore does not detrimentally affect the quality of the area's consistency and is thus acceptable for the character and appearance of the area.
7. The proposal therefore complies with Policies D1, D2 and D3 of the Milton Keynes Council Plan:MK 2016-2031 (LP) which, amongst other things, seeks to ensure that development proposals are of a high-quality design and standard.

Parking Provision

8. There are two parking spaces provided for the dwelling and each of the others in the group. These are within and to the rear of the carport, extending into the garden. Fortune Street and nearby roads do not appear to be part of a controlled parking zone.
9. The Council allege that the scheme conflicts with their parking standards by virtue of converting the carport into an enclosed garage. This would not be classed as a parking space for their purposes. Be this as it may, the resultant space can clearly still accommodate a substantial vehicle as I saw at my site visit. Moreover, an electric charging point has been installed within it, giving further credence to the intention and practicality of its use. It would therefore be reasonable to consider that the appeal scheme results in the loss of one vehicle space rather than two.
10. During my site visit, there was ample unrestricted capacity on the surrounding roads for sensible and safe parking for one additional vehicle that would not seem to result a strain on the surrounding area. I appreciate that this was a snap shot in time and perhaps not a reflection of the situation across multiple days but, in the absence of any compelling evidence to the support the supposition that the appeal scheme gives rise to additional parking stress, I can only deduce that the displacement of one vehicle to the road does not do so in and of itself to result in an unacceptable strain on local parking provision.
11. The scheme therefore complies with Policy CT10 of the LP which seeks to ensure that sufficient parking provision is provided for new and existing development. The Council's parking standards, set out by the 2023 Supplementary Planning Document of the same, are referred to by CT10 albeit explain that they are neither a maximum nor minimum. They go on to say that proposals will be considered on their merits having regard to local circumstances and the needs of the specific development. By virtue of the above factors, I see no substantive conflict with the standards.

Other Matters

12. In regard to any precedent value to my findings, I have given consideration to the individual merits of the appeal scheme and thus the potential displacement of one vehicle to the public highway. In theoretical as opposed to actual terms it is perhaps useful to point out given the current occupiers only seem to have access to one vehicle. Any future similar schemes will have to be considered in the same vein. It being incumbent on the Council to evidence any harm that may arise as a result.
13. The appellant has raised concerns surrounding the Council's handling of the application in terms of the Human Rights Act 1998 with particular regard to Article 8. Whilst I understand the duty and its relevance to the appeal scheme, as the above assessment has not found any harm, I have no reason to believe that rights have been impinged upon and therefore have not considered the matter further. Any matters pertaining to the Council's conduct during the life of the application should be directed to them in the first instance.

Conditions

14. I have referred to the approved plans for enforcement purposes but more to identify them as opposed to works being carried out in accordance therewith, to reflect the retrospective nature of the scheme. I have not included a matching materials condition since details thereof are shown on the plans and I consider them acceptable. I have not set out a restriction on the use of the carport since the appeal scheme is unrelated thereto and there is nothing to suggest it would not be used for the parking of a vehicle on the evidence before me.

Conclusion and Recommendation

15. For the reasons set out above, the appeal scheme would comply with the development plan. I therefore recommend it be allowed, subject to the condition set out.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, and planning permission is granted, subject to the condition set out above.

John Morrison

INSPECTOR