
Appeal Decision

Site visit made on 16 September 2025

by Janine Laver BA (Hons) MSc PGDL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2025

Appeal Ref: APP/Y0435/W/25/3368974

Land to the rear of 1 High Street, Woburn Sands, Milton Keynes MK17 8RQ

- 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 Woburn (ECO) Ltd against the decision of Milton Keynes Council.
 - The application Ref is PLN/2025/0940.
 - The development proposed is demolition of existing building and erection of a dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Woburn (ECO) against Milton Keynes Council. That application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed design and siting of the dwelling on the living conditions of the future occupants of the dwelling, with particular regard to outlook and privacy.

Reasons

4. The site is located to the rear of existing commercial buildings that front onto High Street and Aspley Hill, Woburn Sands. The site is occupied by an existing detached, single storey building with a mono pitch roof, and is currently vacant. It sits entirely within a courtyard setting and is surrounded on three sides by two storey buildings.
5. The site is accessed from the High Street via a driveway, which runs between Nos. 1 and 5 High Street and turns into the courtyard, which is shared by No. 3. No. 3 is a vacant 1-bedroom residential unit at the end of the driveway and its main windows and front door face into the driveway/courtyard. No. 3 was recently converted from commercial use.
6. The upper floors of No. 1 High Street have also been converted into residential accommodation. Parking for the No. 1 units is provided in a shared car park on the south side of that building on the corner of High Street and Aspley Hill, which is partly adjacent to the west side of the appeal site. The existing appeal building is visible from the High Street through the car park.
7. The front door to the residential units at No. 1 is at the rear of the building, with access obtained via some steps up from the appeal site's courtyard. Additional

access to the front door of the units at No. 1 is provided from a narrow, walled walkway from No.1's car park; this walkway is adjacent to the west side boundary of the appeal site and meets the steps that go down into the appeal site's courtyard.

8. The proposed development would comprise the demolition of the existing single storey building and erection of a two-storey dwelling, with an open plan living room and kitchen at ground floor with 1 bedroom, bathroom and terrace above. The proposed dwelling would occupy a wider footprint than the existing building, bringing the west side elevation immediately adjacent to the narrow walkway to No.1's front door; it would also sit slightly closer to the east boundary and the blank tall wall of the adjacent commercial property. The proximity of the proposed dwelling to its side boundaries results in the living space being reliant on outlook from only one window into the courtyard, with the other four windows provided as high-level slot windows for light ingress only.
9. Whilst the courtyard window would be large, the outlook would be directly onto the proposed car parking space and beyond that the side brick wall of the Tesco Express service yard at the back of No. 5 High Street. I note that the brick wall in question is approximately 10m from the window, however, the cone of view from the window would be constrained by the walls of the adjacent buildings and would result in a dreary tunnelling effect for the future occupants. I consider that this would not provide satisfactory outlook for future occupants.
10. In terms of privacy, whilst the courtyard is relatively secluded, it would be regularly accessed by occupiers and visitors of the residential units at Nos. 1 and 3 and this would result in direct view into the living space of the appeal dwelling. Whilst future occupants could erect blinds or curtains to limit being overlooked, this would reduce light into the appeal dwelling and make it drearier inside.
11. I also note from the Council's officer report that it refers to the parking area in the courtyard being shared by No. 3. I further note that the Council's statement of case states that No. 3's parking space within the courtyard is less than 7m from the front elevation and courtyard window of the appeal dwelling. I have no other details of that parking space, for it was not delineated on site, and it is not shown on the proposed plans submitted for the appeal scheme.
12. However, it was evident from my site visit that the courtyard cannot accommodate two parking spaces and allow vehicles to leave the site in a forward direction. Thus, if No. 3 is required to provide a car parking space within the courtyard as suggested by the Council's submissions, it would need to use the space in front of the appeal dwelling for turning, which would result in vehicle lights and noise causing a nuisance for the future occupants of the appeal dwelling.
13. Similarly, the proposed parking space for the appeal dwelling is shown in the appellant's highways statement to utilise the space immediately in front of No. 3 for its turning manoeuvres. These manoeuvres would occur directly in front of the living room window of that dwelling and would accordingly be harmful to the living conditions of the future occupants of that dwelling.
14. In summary, the site is too cramped to accommodate the appeal dwelling and provide acceptable living conditions for future occupants. The proposal would therefore not accord with Policies D1 and D5 of the Milton Keynes Council Plan: MK 2016-2031, which together seek to ensure that development proposals respond

appropriately to the site and surrounding context, protect the privacy of future occupants and afford those future occupants a reasonable outlook.

Other Matters

15. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. I consider that the existing building is of no merit in its own right and makes no contribution to the significance of the conservation area. Whilst the proposed replacement building would be partly visible from the High Street, I consider it has been designed to be subservient to all surrounding buildings and would preserve and not harm the character and appearance of the heritage asset. I also note that the Council's conservation officer did not object, and as I have indicated, I hold no contrary view.
16. Paragraph 124 of the National Planning Policy Framework (the Framework) places great weight on making the effective use of land and paragraph 125 gives substantial weight to the value of using brownfield land within settlements for homes. These considerations weigh in favour of the proposal. However, both of those provisions are not absolute, and the creation of high-quality places is fundamental to what the planning and development process should achieve. Paragraph 135 of the Framework states that developments should, amongst other things, create places with a high standard of amenity for existing and future users. That would not be so here. Although there is support for new housing in this location, the importance of good design cannot be overlooked for the provision of an extra windfall unit on a brownfield site.
17. Therefore, the adverse impacts of the proposal on the living conditions of future occupants significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Consequently, this indicates that permission should not be granted.

Conclusion

18. The proposal would be contrary to the development plan and there are no other material considerations, including the provisions of the Framework, that outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

Janine Laver

INSPECTOR