



Appeal Decision

Site visit made on 5 November 2025

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2025

Appeal Ref: APP/Y0435/D/25/3374131

1 Abbey Road, Simpson, Milton Keynes, MK6 3AE

- 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 Matthew Bennion against the decision of Milton Keynes City Council.
 - The application reference is PLN/2025/1311.
 - The development proposed is erection of a new front porch, a two-storey rear extension and a single storey side extension with roof light.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the proposal as I find it describes the proposal more concisely. The proposal is part-retrospective.

Main Issue

3. The main issue is the impact of the proposal upon neighbouring residential amenity with regard to loss of privacy, overshadowing, overbearing impact and loss of outlook.

Reasons

4. The appeal site is a two-storey semidetached dwelling located within a residential area which is located on a prominent corner plot where Abbey Road meets Simpson with a driveway accessed from Simpson to the rear of the garden. The appeal site is highly visible, within the street scene, due to the raised elevation of the plot, however, the Council's delegated report confirms that they find the proposal complies with the relevant policies of the Local Plan with regard to design, character and heritage considerations. Based upon the evidence before me, and my site visit, I have no reason to conclude differently in relation to design, character nor the setting of heritage assets (in so far as the site is in close proximity to a number of listed buildings which are designated heritage assets).
5. There are several elements to the appeal proposal with the refusal reason being specific to the two-storey rear extension only with regard to neighbouring residential amenity. The Council's assessment confirms that they find no reason for refusal based upon the single storey side extension nor the front porch (the latter which I note to be retrospective). Based upon the evidence before me, and my site visit, I have no reason to conclude differently in relation to the single storey side extension or the front porch in relation to neighbouring residential amenity. This appeal will,

therefore, focus solely upon the proposed two-storey rear extension with specific regard to the main issue outlined above – residential amenity.

6. The nearest (attached) neighbouring dwelling is 2 Abbey Road (no. 2) standing to the west of the appeal site. The extension would fall just within the 45-degree line. The proposed extension would project in the region of 3.3 metres beyond the existing two storey rear projection which would result in built form closer to the shared boundary with no. 2. I do not find that the proposal would necessarily negatively affect the quality of residential amenity for habitable rooms, within the adjacent property, with regard to overshadowing to an extent that would be sufficient to warrant refusal. Despite this, the relationship and orientation of the properties, would likely lead to a noticeable impact upon the level of outlook currently available to occupiers of no. 2 from within the property and garden.
7. The proposed two storey rear extension would bring built form, as previously outlined, adjacent to the shared boundary of the adjacent property as well as being in closer proximity to the amenity space located immediately adjacent to the rear elevation of no. 2. From Simpson, it is evident that some, wider views, over the appeal site, would be available from habitable rooms of the adjacent property and that this, combined with the relationship with 3 Abbey Road, would create a tunnelling effect for no. 2 which would diminish the sense of openness currently experienced by occupiers of the adjacent property. The proposal would introduce an unacceptable level of dominance and enclosure for the adjacent property resulting in unacceptable overbearing impact within the amenity space and would restrict the neighbouring occupant's simple ability to look outwards a reasonable distance as a result of the proposal from the adjacent property.
8. The appeal site is unusual in terms of layout and relationship with adjacent properties on Abbey Road insofar as the appeal site, and the attached dwelling, are located at such an angle which means the appeal site/host dwelling is directly orientated towards and overlooks the adjacent garden for no. 2. At the time of my site visit I entered the appeal site and viewed the neighbouring garden from what is labelled, on the existing plans, as bedroom 1. The relationship between the host property, and the neighbouring garden, is such that the existing set back from the shared boundary allows natural, clear, views into the adjacent garden from within the bedroom including an outbuilding where, at the time of my site visit, I could clearly see someone in the garden outbuilding.
9. The proposed two-storey rear extension, closer to the boundary, would result in natural views from within what is labelled (on the proposed plans) as bedroom 3 being over (instead of into) the immediately adjacent garden comparatively. I find that, in natural use of the proposed bedroom, there would likely be some improvement to the general and natural intervisibility between the bedroom in question and the neighbouring garden. Overall, I find that there would be insufficient grounds to refuse the proposal due of loss of privacy given the existing intervisibility and orientation of the appeal site and the attached adjacent dwelling.
10. To summarise, I do not find that the proposal would result in overshadowing or loss of privacy for occupiers of 2 Abbey Road but the unusual interaction and arrangement of the appeal site, combined with 3 Abbey Road the other side, means that I find the first floor element of the two storey rear extension would lead to an unacceptable impact on the residential amenity of the neighbouring property

due to overbearing impact and general loss of outlook – particularly within the rear amenity space immediately to the rear of the adjacent property.

11. The proposal would be contrary to Plan: MK Policy D5 which requires proposals to create and protect a good standard of amenity for buildings and surrounding areas and in particular should ensure that new development is not overbearing upon existing buildings and open spaces and that the outlook and visual amenity afforded from within buildings and private garden areas should be satisfactorily taken into account in terms of the relationship with neighbouring buildings.
12. It is acknowledged that some change to neighbouring outlook, and interaction between properties and proposals, is inevitable where development occurs, however, in this case I find that the proposal would result in unacceptable harm in terms of outlook and overbearing impact despite acknowledging the general size and availability of outdoor amenity space overall. I find that the proposal would create a tunnelling effect immediately to the rear of the adjacent dwelling which would result in detrimental impact which would be unacceptable. The National Planning Policy Framework 2024 does encourage efficient use of land; however, this does not overcome or override matters relating to residential amenity and interaction with adjacent properties as is the main issue within this appeal.

Other Matters

13. I understand that the appellant has submitted applications for the site, previously, as well as engaging within pre-application advice with the Council. I acknowledge the appellant with regard to their experience, however, the Council's handling of the previous application and/or pre-application advice provided is unfortunately outside the scope of this appeal which is not accompanied by an application for costs. I do not doubt that the appellant has sought to comply with any guidance given by the Council, however, I have assessed the case on its own merits based upon the evidence before me and taking into account my findings at the point of my site visit and, unfortunately, whilst I have disagreed with the Council's assessment in some respects I have still found the proposal to be unacceptable with regard to outlook and overbearing impact for the reasons outlined.
14. The Parish Council have raised concerns relating to parking; however, the proposal is not considered by the Council to cause harmful impact to parking/parking provision due to their not being any increase in the number of bedrooms and the existing parking provision remaining the same. I have no reason to conclude differently in relation to parking as a result of the proposals. I have dealt with matters relating to character and setting of the heritage assets above. A third-party objection is also noted, however, I have dealt with the main issues which are material planning considerations within this decision letter and other matters raised, such as the parking of commercial vehicles, is not a material planning consideration nor related to the proposal that is before me.

Conclusion

15. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Marshall

INSPECTOR