Planning Inspectorate

Appeal Decision

Site visit made on 13 October 2026

by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2026

Appeal Ref: APP/Y0435/C/25/3364694
22 Bardsey Court, Milton Keynes, Buckinghamshire, MK10 9DL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Ioannis Vlachogiannis against an enforcement notice issued by Milton Keynes Council.
- The notice was issued on 27 March 2025.
- The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised single storey front infill extension between the house and former garage.
- The requirements of the notice are to:
  (i) Permanently remove the single storey front infill extension between the house and former garage; and
  (ii) Permanently remove all materials and debris from the site that arise from carrying out step (i) above.
- The period for compliance with the requirements is nine months after the notice takes effect.
- The appeal is proceeding on the grounds (a) and (d) set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Appeal on Ground (d)

2. When filling in the appeal form the appellant only ticked that he wished to appeal under Ground (a) of s174(2) of the Town and Country Planning Act 1990 (the Act). However, he is unrepresented and it was clear in his submissions that he was also appealing on the basis that it was too late for the Council to issue an enforcement notice at the time the notice was served. In effect, that amounted to a hidden appeal under Ground (d). The Council has had chance to comment on the points raised and no injustice will arise as a result of me considering the appeal on that ground.

3. The time limits within which an enforcement notice must be served are set out within s171B of the Act. For operational development that was substantially completed prior to 25 April 2024, the relevant period is four years. For development substantially completed after that date the period is ten years, following recent changes to the terms of s171B. The enforcement notice was issued on 27 March 2025. If the extension was substantially completed four years or more prior to that date it would be immune from enforcement action. In such cases, the onus rests with an appellant to demonstrate his case, on the balance of probability.

4. The appellant contends that the extension was substantially completed in late 2020, with reference to various emails and invoices from his building contractor. It seems likely that building work was underway at around that time but there is significant doubt as to whether it was substantially complete before the relevant date. Whilst invoices are often raised after work has been completed that is not always the case depending upon the arrangement for any particular job. They may also be raised to pay for labour and materials and the like whilst work is progressing.

5. Thus, the invoice from October 2020 is not sufficient to demonstrate that the work was complete in my view. A further invoice for the laying of roofing felt, dated 29 April 2021 is also provided. For similar reasons, the invoice is not proof that the work was undertaken by that date. In any event the date is less than four years prior to the service of the notice. The invoice refers to repairs and remedial works to the roof. If the extension had been completed fully in October 2020 it seems unusual that repairs would be necessary by April 2021 only a few months later.

6. It seems more probable that the work was undertaken to address matters not completed fully or properly at the outset, such that it would reasonably be considered as part of the overall build. A watertight roof is a fundamental element of any residential extension and it would not be substantially complete without one.

7. On the application form for 21/02857/FUL (dated 27/09/2021) the appellant stated that the works had started on 01/05/2021 but had not been completed. That casts further doubt on his version of events. The Council has also included a photograph, purportedly taken by the appellant and dated 09 July 2021, which shows the extension to be an unfinished shell with no front elevation. However, the Council hasn't specified where that photograph came from or when it was submitted by the appellant. That uncertainty limits the weight I can attach to the image.

8. There remains doubt as to whether it is substantially completed to this day, given that the front of the structure is covered in a waterproof tarpaulin to keep out the elements, suggesting it is not occupied or completed. The photographs attached to the enforcement notice depict the structure in the same state which indicates that the cover has been in place for over 15 months at least.

9. Thus, whilst there is evidence that work was underway in the region of four years prior to the service of the notice, the evidence submitted is not sufficient to demonstrate that it was substantially completed more than four years prior to service, on the balance of probability.

10. For all of those reasons the appeal on Ground (d) must fail.

The Appeal on Ground (a)

11. The main issue in the consideration of the appeal is the effect of the development on the character and appearance of the dwelling and surrounding area.

12. The appeal site relates to a modern two-storey dwelling situated in the corner at the head of a cul-de-sac in a suburban district of Milton Keynes. The built form of the cul-de-sac comprises a tight knit layout of semi-detached and terraced properties with a staggered building line. The appeal site, along with the attached properties at Nos 23 & 24 are set back substantially behind the side elevation of

No.25. The result is that those 3 properties are arranged intimately, almost cheek by jowl, around the space at the head of the cul-de-sac. When originally constructed it would appear that the three dwellings were very modest terraced properties with a consistent building line to the front overlooking the cul-de-sac and the detached garage building opposite.

13. However, over time, the dwelling at the appeal site has been enlarged substantially, including two-storey extensions to the front, rear and side and extensions and alterations to the detached garage to provide habitable accommodation. The long planning history depicts the evolution over a number of years from what was once a modest terraced property into a substantial dwelling. That, of itself, is not an indication of harm. There is no reason in design terms why every dwelling in an estate should be of similar scale and proportions.

14. Moreover, it is not for me to comment on the merits of the previous enlargement of the dwelling or previous planning permissions. However, when recommending that approval should be granted for the retrospective planning application submitted in 2019[1] for various extensions and alterations to the property the planning officer noted that the cumulative extent of additions to the dwelling were "on the limit of what is permissible regarding the adverse impact on the character and appearance of the local area"[2]. It is fair to say those comments were not understated given the scale of extensions in comparison to the scale of the original property.

15. The two storey enlargement to the front in particular, combined with alterations to the garage, has had the effect of enclosing the open aspect that would once have been apparent at the head of the cul-de-sac and elongating the built form at the front of the property. Whilst modest, the remaining gap between the garage and the dwelling, as it existed prior to the link extension being constructed, would have maintained a degree of visual separation in the built form and also retained the sense of the garage as a subsidiary outbuilding.

16. Whilst the link extension is modest in scale the removal of the visual break in the building line undoubtedly has a harmful impact resulting in a sprawling conglomeration of various extensions and structures. In other words, the effect of the link is more than the sum of its parts and it serves to emphasise the elongated built form to the front of the dwelling which now reads as a single entity.

17. The resultant mass is disproportionate in scale compared to the original dwelling. That is noticeable from wider public vantage points within the cul-de-sac but is most keenly felt at close quarters to the front of Nos 23 & 24 due to the intimate arrangement between, as described above.

18. Moreover, the flat roof intersects awkwardly with the garage roof and is a discordant design feature in an area where pitched roofs predominate. Perhaps the main rational for the feature appears to be to avoid a pitched roof which would overlap with side facing bedroom windows at first floor level, as opposed to a carefully designed attempt to reflect the design of the dwelling and its surroundings.

[1] LPA reference 19/01687/FUL
[2] As referenced in the delegated officer report relating to application reference 21/02857/FUL

19. The harmful impact is limited to views from the front. From the rear, the extension is largely screened from public view by substantial planting and the roof only projects marginally over the height of the previously approved rear wall. However, overall, the design is poorly thought through and executed and has resulted in harm to the character and appearance of the dwelling and the surrounding area. Accordingly, the development fails to comply with the design related aims of policies D1(1), D2(1), D3(1, 4 & 8) of the Milton Keynes Local Plan (2019) and with the aims of policy D5(1(e)) in respect of the effect on the street scene.

20. The appellant has referred to other infill extensions that have been constructed in the local area including properties at Hunsbury Close and Chicksands Avenue. However, whilst within the general vicinity of the site the circumstances are not comparable to the development at the appeal site. 19 Chicksands Avenue is a detached dwelling on a corner plot, as is the neighbouring dwelling at No.21. The extension in that case turns the corner to link the dwelling to the detached double garage. The nature of the properties and the immediate environment is much more spacious than the situation at the appeal site which is a terraced property in close proximity to its neighbours. Nor does it appear that 19 Chicksands Avenue has been extended previously to the significant extent of the works undertaken at the appeal site.

21. Moreover, on the opposite side of the road, the properties at Nos 9 to 17 Chicksands Avenue are designed to “turn the corner”, facing the junction such that the extension to No.19, which does the same, does not appear out of context. That is notably different to the arrangement of the properties at the head of the cul-de-sac in Bardsey Court.

22. Similarly, the design of No.25 Hunsbury Chase and the surrounding estate is distinctly different to the appeal site. The properties are laid out in a perimeter block and No.25 and the link structure is designed to turn the corner of the street, as is common in such layouts. Nos 16, 18 & 20 Hunsbury Chase follow a similar pattern.

23. Whilst the link extension elements in those other developments may be larger than that at the appeal site that is not the key determining factor in assessing the visual impact and effect on surrounding character. The issue in the present case is the way in which the link extension joins together the previous incremental alterations and not simply its size. Linking the detached structure to the dwelling has created a continual mass of built form which is harmful in the specific context of the appeal site, especially given the intimate arrangement between the property and its neighbours at the head of the cul-de-sac. Quite simply it is a bridge too far in terms of the extent to which the property can be extended without causing undue harm.

24. The appellant has also referred to the ratio of built coverage to plot size on various developments, including the large detached dwellings at Queensbury Lane. That is a street of substantial detached dwellings which has very little in common with the cul-de-sac at Bardsey Court in scale or design. Neither is plot ratio particularly relevant in my decision which rests upon the design and visual effect of the extension and how it relates to its surroundings.

25. In view of the above, none of the other developments referred to alter my opinion on the harm caused by the link extension at the appeal site. The development is

contrary to the policies of the Local Plan and no material considerations have been put forward to indicate that a decision should be taken other than in accordance with the development plan. It follows that I shall dismiss the appeal on Ground (a), refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) and uphold the enforcement notice.

Chris Preston

INSPECTOR