

1.0 Introduction

- 1.1 The application has been referred to the Panel at the request of Councillor Stephen Brown who has raised concerns about the impact of the development on neighbours' privacy.

2.0 Background

The site and its context

- 2.1 The site comprises a two-storey detached dwelling with a detached garage to the east located at the junction of Ledbury and St Leger Drive. The area is generally characterised by detached dwellings of similar appearance and design, with reasonably generous gardens.
- 2.2 The site falls within a Great Crested Newt (GCN) Amber Risk Area. The site is also located within an area covered by an area Tree Preservation Order (TPO) no. PS/540/15/18A, confirmed in October 1970. This TPO protects the woodland to the north of the property, but no trees on the property itself.

The proposal (to be read in conjunction with the plans pack)

- 2.3 Retrospective permission is sought for the retention of a first floor rear extension with integral glass balconies, the installation of windows on the eastern side elevation, and a door and windows on the western side elevation and erection of a front porch extension.
- 2.4 This application has been amended during the course of assessment to include additional windows and a door installed on the east and west elevations, and erection of a front porch extension.

3.0 Relevant planning history

3.1 Application site

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|--------------|--|
| 06/00357/FUL | Rear Conservatory Approved – 19.04.2006 |
| 22/02879/HOU | Proposed erection of a double storey side extension, part single and part double storey rear extension with front porch extension Approved – 23.01.2023 |
| 23/00463/HOU | The erection of a double-storey side extension, the demolition of the existing conservatory and erection of a part single and part double storey rear extension with Juliette balconies, and a front porch extension and demolition of existing front porch and side extension. Approved – 28.04.2023 |
| 23/01614/HOU | Proposed single storey out building in the garden Approved – 22.09.2023 |

23/02445/HOU Proposed dropped kerb to driveway
Withdrawn – 29.12.2023

4.0 Consultations and representations

All responses and representations received can be viewed in full, online at www.milton-keynes.gov.uk/publicaccess using application ref. 23/02791/HOU. The following paragraphs summarise those responses and representations.

4.1 Great Linford Parish Council

No comments received.

4.2 Councillor Naseem Khan (Stantonbury Ward)

No comments received.

4.3 Councillor Stephen Brown (Stantonbury Ward) (Member of Planning Committee/Panel)

Objection raised over concern of the impact on neighbours' privacy, noting the proposal deviates from a previous approval for Juliette balconies.

4.4 Councillor Chantelle De Villiers (Stantonbury Ward)

No comments received.

4.5 MKCC Landscape Services (Tree Officer)

No objection.

4.6 MKCC GCN Licensing

No objection.

4.7 Representations from interested parties

Objections have been received from 3 addresses. The matters raised are summarised below:

- Impact on neighbours' privacy;
- Unsympathetic designs in the street scene; and
- Illumination impact on neighbours.

Concerns have been raised which are not considered to be material planning considerations, and therefore cannot be taken into account in the determination of the application. These relate to:

- Breaches of planning control;
- The Enforcement team handling of the process;

- The applicant's intention;
- The impact on property value along the street;
- Lack of a response from a councillor; and
- Parking obstruction on the main road.

5.0 Relevant policies, guidance and legislation

The Development Plan

5.1 [Plan:MK](#) (adopted March 2019)

- Policy D1: Designing a High-Quality Place
- Policy D2: Creating a Positive Character
- Policy D3: Design of Buildings
- Policy D5: Amenity and Street Scene
- Policy CT10: Parking Provision
- Policy NE2: Protected Species and Priority Species and Habitats

Neighbourhood Plan

5.2 Great Linford Neighbourhood Plan (North Area) (made March 2016) ('the NP')

- Policy GLPC N11: New Development – Accessibility, Getting Around and Biodiversity

Supplementary Planning Documents/Guidance (SPDs/SPG)

5.3 The following [topic-based SPDs/SPGs](#) are relevant:

- Milton Keynes Parking Standards SPD (2023)
- New Residential Design Guide SPD (2012)

National planning policy and guidance

5.4 The [National Planning Policy Framework](#) (NPPF) and [Planning Practice Guidance](#) (PPG) are also material considerations.

Legislation

5.5 The Town and Country Planning Act 1990 (as amended) (TCPA) and the Planning and Compulsory Purchase Act 2004 (as amended) (PCPA).

6.0 Planning considerations

6.1 This application has been submitted following an enforcement complaint. The application is a product of that investigation, with the applicant invited to retrospectively apply for planning permission. Legislation requires that this application is assessed on its merits, with the Panel tasked to consider whether, if presented in advance of works taking place, it would grant

permission. Conditions can be used where meeting relevant tests for their imposition, to overcome any residual concerns.

6.2 Taking account of the application type, the documents submitted (and supplemented and/or amended where relevant), the site and its environs, and the representations received; the main considerations central to the determination of this application are:

- Design, character and appearance;
- Impact on residential amenity;
- Parking provision; and
- Biodiversity effects.

7.0 Appraisal

7.1 It is material that planning permission was granted (ref. 23/00463/HOU) for the erection of a double-storey side extension, the demolition of the existing conservatory and erection of a part single and double storey rear extension with Juliette balconies, and a front porch extension and demolition of existing front porch and side extension. This permission has been implemented through the construction of the single storey elements of the proposal being identical in terms of their footprint, with a deviation from the approved plans occurring later. The Panel should therefore focus their consideration on the effects of these deviations from the approved scheme, and not the principle of the extensions and, to a large degree, their extent, given this highly material, and lawful, fallback position.

Design, character and appearance

7.2 Policies D1, D2 and D3 of Plan:MK require, amongst other design related matters, that new development integrates well with the surrounding built environment through sympathetic design, massing and scale. Policy D3 of Plan:MK seeks to ensure that all extensions to buildings are of a size and scale that relate well to the existing building and plot, as well the surrounding area. This is also reflected in Policies D1 and D2, which seek to ensure that proposals respond appropriately to the site's appearance and exhibit a positive character. The guidance set out in the New Residential Design Guide SPD offers guidance on what constitutes appropriate design.

7.3 The extensions have been constructed with an extended first floor to the rear, which includes enclosed balconies (now extending the roof to the limits of the ground floor extension) and the installation of additional windows and a door on the side elevations. The glazed balconies are approximately 0.98 metres in depth but do not extend beyond the previously approved ground floor roof footprint.

7.4 The design of the glass balustrade and the overall appearance of the balconies is considered appropriate and integrates with the existing dwelling. Whilst balconies do not appear to be common in the surrounding area, the overall construction is not considered to appear out of context. Limited views are achieved from St Leger Drive, but the overall extension is considered to be subservient to the existing dwelling in terms of scale and massing, with closely matching materials. The extensions are not considered to cause adverse harm to the character or appearance of the existing dwelling or surrounding area.

- 7.5 The additional first floor windows located on the east and west elevations and ground floor window located on the west elevation serve habitable rooms but are secondary outlooks. These additional openings utilise uPVC double glazed materials matching the existing. These are therefore not considered to cause harm to the character of the existing dwelling or the surrounding area and considered to be acceptable.
- 7.6 The flat roof front porch extends approximately 2.77 metres in depth and width from the front elevation, supported by two columns measuring approximately 2.26 metres in height. It is visible from the street scene and the objection regarding its impact on the appearance of the area is acknowledged. However, given the set-back of the dwelling from the highway and the open nature of the porch this addition to the dwelling is not considered to cause unacceptable harm to the character of the existing dwelling or surrounding area.
- 7.7 The proposal's design, scale and massing, in the context of the site and the previously approved scheme, is not considered to cause demonstrable adverse impacts on the character or appearance of the area. Therefore, the proposal complies with Policies D1, D2 and D3 of Plan:MK.

Impact on residential amenity

- 7.8 Policy D5 of Plan:MK seeks to ensure that development proposals create and protect a good standard of amenity, do not cause an unacceptable loss of light, loss of privacy or loss of visual amenity.
- 7.9 The balcony areas are enclosed and set within the structure of the extension, bound by brick walls to either side. As a consequence, the views from these external areas is not considered to be significantly different than those from the previously approved Juliette balconies. Any views of neighbouring amenity space is, in part, shielded by the structure of the extension and is at an oblique view with no direct sideways view, such that the balconies are not considered to result in an unacceptable impact on the amenity of the neighbour in terms of overlooking. This assessment is also cognisant of a scheme refused by the Panel on a different site where a first-floor balcony was proposed¹. There the Inspector found, on appeal, that conditions could overcome residual issues for what was a more 'open' construction style and with more direct aspects.
- 7.10 The first-floor rear extension slightly extends the roof footprint to that with Juliette balconies previously approved. However, this rear extension is not considered to be overbearing or result in an unacceptable loss of light to neighbouring dwellings to the east. There are no neighbouring dwellings to the north and west of the site. It must also be considered that much of the massing of these extensions could be achieved under permitted development rights.
- 7.11 Whilst there are additional windows installed on the west elevation, they do not overlook any neighbouring dwellings due to their aspect toward the adopted highway. The additional window and door at ground floor level on the east elevation also do not cause overlooking impacts to the neighbouring properties due to its obscuration by the detached garage to the side of the dwelling.

¹ [20/02598/FUL: 38 Coberley Close, Downhead Park, Milton Keynes](#)

- 7.12 However, it is noted that the first floor side window installed on the east elevation faces towards the side elevation of the neighbouring property No. 2, and concerns have been raised by the neighbours due to the loss of privacy and overlooking impacts. Nonetheless, based on the site visit observations, the view from the first floor side window to the immediate neighbouring habitable space is limited and slightly offset by the garage to the side. Given its narrowness and the distance of approximately 14.5 metres to the neighbouring property No.2, it is not considered that the impact on overlooking is of an unacceptable degree and cause further harm that would justify a refusal. The overall impact on residential amenity is therefore minimal. A condition for the first floor window on the east elevation to be obscure glazed would be added in the interest of protecting the amenity of the neighbouring property. It is noted that a first floor window could be installed under permitted development rights subject to being obscure glazed.
- 7.13 The concerns raised regarding the luminance of the lights on the front porch columns is acknowledged. However, domestic lighting does not usually require planning permission such that the existing lighting is not subject of planning control. Any concerns would need to be addressed through civil or statutory nuisance proceedings.
- 7.14 Given the proposal's siting, size and scale, it is not considered to result in unacceptable harm to the neighbours, in terms of their outlook, privacy or overshadowing. Therefore, the proposal complies with Policy D5 of Plan:MK.

Parking and highways

- 7.15 Policy CT10 highlights the need for development to accord with the Milton Keynes Parking Standards unless mitigating circumstances dictate otherwise. Policy GLPC N11 of the NP also seeks to ensure that parking is provided in accordance with adopted standards.
- 7.16 The site is located within Zone 4 of the Milton Keynes Parking Standards SPD in which dwellings of 4+ bedrooms are required to accommodate at least two on-plot parking spaces. The requirement of 0.5 unallocated off-site parking spaces is only required for new-build developments and as such is not a requirement for this application. The proposal does not create any additional bedrooms compared to that before any recent works took place, and therefore the parking demands remain unchanged. It is acknowledged that the TV room and study/rest area at first floor level could be used as an additional bedroom. However, an additional bedroom would still not require an increase in the number of parking spaces to accord with the Parking Standards. The impact is therefore neutral, and the proposal complies with Policy CT10 of Plan:MK and Policy GLPC N11 of the NP.

Biodiversity effects

- 7.17 The site is located within an area influenced by an Area TPO. However, there are no trees subject to that TPO within the site boundaries, nor within influencing distance of the extensions. There is no detrimental impact to the protected trees to the north of the site. The Council's Arboricultural Officer has no objection to the proposal.

7.18 Additionally, the site is within a GCN Amber Risk Area. However, the proposal is unlikely to have substantive impacts to GCN habitat as the rear garden retains a lawn and there are no ponds adjacent to the site. The changes to be secured under this application also do not alter the built footprint which was previously approved. The proposal is therefore considered acceptable and complies with Policy NE2 of Plan:MK.

8.0 Conclusions

8.1 The proposal is considered to be sympathetic to the existing dwelling in scale, massing and design, using appropriate materials. Given its siting and adjacent mature vegetation along the north and west boundaries, the proposal does not result in a visual intrusion to the street scene. The main consideration is the impact on the residential amenity of the immediate neighbour. However, the balconies are suitability orientated away from adjoining gardens, and a condition can overcome residual concerns regarding the first-floor side window. Overall, the development would not result in an unacceptable level of overlooking.

8.2 No matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations are recommended where meeting the tests for their imposition.

8.3 Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change and human rights legislation (including Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions).

9.0 Recommendation

9.1 It is recommended that permission be **granted** subject to the conditions set out below (as may be supplemented/modified in any accompanying written or verbal update to the Panel).

10.0 Conditions

1. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990:

Plans received 16.01.2024:

BJ/2023/092/01 Location Plan

Plans received 02.04.2024:

BJ/2023/092/03 C Approved ground floor/ Existing ground floor

BJ/2023/092/04 B Approved first floor/ Existing first floor

BJ/2023/092/05 B Pre existing rear elevation/ Approved rear elevation/ Existing rear elevation
BJ/2023/092/06 B Pre existing east side elevation/ Approved east side elevation/ Existing east side elevation
BJ/2023/092/07 B Pre existing west side elevation/ Approved west side elevation/ Existing west side elevation
BJ/2023/092/08 B Pre existing front elevation/ Approved front elevation/ Existing front elevation

Plans received 03.04.2024:

BJ/2023/092/10 Proposed site block plan

Reason: For the avoidance of doubt and in the interests of securing sustainable development.

2. Within three months of the date of this decision, the first floor window hereby approved serving the TV room and study/rest area on the east elevation shall be glazed in obscure glass and non-opening (except in an emergency) and permanently retained thereafter as such, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order.

Reason: To maintain control in the interest of the effect upon neighbouring properties