

Application Number: 20/02598/FUL

Description Proposed two-storey side and rear and single storey rear extensions and roof terrace

At 38 Coberley Close, Downhead Park, Milton Keynes, MK15 9BJ

For Jason Bates

Statutory Target: 11th December 2020

Extension of Time: 3rd March 2021

Ward: Campbell Park and Old Woughton

Parish: Great Linford Parish Council

Report Author/Case Officer: Sundas Shaban
Planning Officer

Contact Details: 07717 148931
sundas.shaban@milton-keynes.gov.uk

Team Manager: Chris Nash
Development Management Manager
chris.nash@milton-keynes.gov.uk

1.0 RECOMMENDATION

1.1 It is recommended that permission is granted subject to conditions set out in this report.

2.0 INTRODUCTION

Reason for referral

2.1 The application has been referred to Development Control Panel by Great Linford Parish Council on grounds of loss of privacy and Ward Councillors Ric Brackenbury and Paul Trendall on grounds of scale and bulk of the extension, loss of privacy and creates additional on-street parking.

The Site

2.2 The application site comprises a two-storey detached dwelling located in Downhead Park. The property is built in a red brick with brown window and door frames. It has a single attached garage to the side and one off-street parking space on the driveway to the front. The rear of the site is enclosed by a fence and a hedge. The immediate area comprises large detached dwellings with off-street parking provision. The property retains its full permitted development rights.

The Proposal

- 2.3 This application seeks planning permission for a two-storey side and rear and single storey rear extensions, along with a roof terrace at the rear. The ground floor rear extension would measure 4 metres (depth) x 6.8 metres (width) and stand at 3 metres in height. The side extension would have a 2.6 metres side projection and a 4 metre rear projection. The roof terrace would measure 4 metres (depth) x 4.4 metres (width). It would have a 1.8 metre high privacy screen along the south-west boundary. All external materials would match the existing dwelling.
- 2.4 It should be noted that the application has been amended and the pillar initially proposed at the front has now been omitted. The amendment introduced the 1.8m privacy screen to the proposed roof terrace at the rear now.

Scope of debate/decision

- 2.5 This application is a full planning application and so all material planning matters are to be considered.

3.0 RELEVANT POLICIES

National Policy

- 3.1 National Planning Policy Framework (February 2019) (NPPF)

Section 2 - Achieving Sustainable Development
Section 3 - Plan-making
Section 4 - Decision-making
Section 12 - Achieving Well-Designed Places

The Development Plan

- 3.2 Plan: MK (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

- 3.3 Supplementary Planning Documents/Guidance

New Residential Development Design Guide (April 2012)
Parking Standards SPD (January 2016)

- 3.4 Human Rights Act 1998

There may be implications under 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. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

3.5 Equality Act 2010

Due regard, where relevant, has been had to the Milton Keynes Council's equality duty as contained within the Equality Act 2010.

4.0 **RELEVANT PLANNING HISTORY**

4.1 There is no relevant planning history.

5.0 **CONSULTATIONS AND REPRESENTATIONS**

5.1 Great Linford Parish Council

Initial comments

Concerns of overlooking resulting from the proposed roof terrace and inadequate parking.

Additional comments

Objection and committee referral unless there is an obscure glazed 1.8 metre high screen on two sides of the proposed roof terrace.

5.2 Cllr Terry Baines – Campbell Park and Old Woughton Ward

No comments received.

5.3 Cllr Paul Trendall – Campbell Park and Old Woughton Ward

Concerns of overbearing impact, unacceptable overlooking and would result in additional on-street parking. Requests the application be referred to the Development Control Panel.

5.4 Cllr Ric Brackenbury – Campbell Park and Old Woughton Ward

Notes that works are already underway without planning permission. No concerns with regards to parking if there are no additional bedrooms being created. Requests a holding objection on grounds of scale and bulk of the extensions and loss of privacy of neighbours and a referral to the committee panel.

5.5 MKC Highways

Initial comments

The LHA raised concerns to the initial scheme as the proposed pillar was considered to create a further constraint to the already tight parking space and would not provide

a compliant 2.5m open parking space which will likely lead to a vehicle parking in front of the extension and a vehicle overhanging the site or a complete rejection of the parking space and the owner parking in the street which is unacceptable.

Additional comments

The LHA withdrew its initial objections following the removal of the pillar as removes the constraint to the parking space.

5.6 Canal and River Trust

The proposal falls outside the need for notification given its scale.

5.7 Third Party Representations

8 letters of objection have been received from local residents citing the following concerns:

- Building in front of the driveway would shorten the driveway, making it difficult for a standard size car to fit in the drive;
- The two-storey rear extension would impact on neighbours' property in terms of light;
- The extensions will leave the application site with little garden space;
- The roof terrace, even with the privacy screen on the side, would overlook neighbouring properties;
- Design and impact on the streetscene;
- The conversion of the garage would lead to the loss of a second parking space, meaning cars would end up being parked on the street, posing a danger to vehicles entering/leaving the street;
- The extensions would result in overbearing impact on neighbouring properties; and
- Construction noise intrusion.

The following non-material concerns have also been raised:

- Works have started without planning permission;
- The proposed development would have an adverse effect on the resale and value of their property;
- The side extension does not meet the requirements set in schedule 2 of the permitted development order; and
- Allowing the roof terrace would set a precedent.

6.0 MAIN ISSUES

- Design and impact on the character and appearance of the area
- Impact on residential amenity
- Parking and highway implications

7.0 CONSIDERATIONS

Design and impact on the character and appearance of the area

- 7.1 Policy D1 of Plan: MK states that development proposals will be permitted if they respond appropriately to the site and surrounding area, and should provide active frontages with defined private areas. Soft and hard landscaping should be provided to soften the streetscape and to continue the green character of Milton Keynes, enhancing the quality of the public realm. Policy D2 states that the layout, scale, boundary treatments and landscaping of the development exhibits a positive character and is locally inspired. Where there is no positive built form character in the surrounding area, new development should be designed to create its own distinctive character or sense of place using existing site features. The policy also states that design must allow for visual interest through the careful use of detailing. Policy D3 focuses on the appearance of the buildings and that they must contribute to the enhancement or creation of a positive character for the development with forward thinking and distinctive architecture incorporated. It states that proposed buildings should be of an appropriate scale in relation to other buildings in the immediate vicinity in terms of their height and massing. In addition, the building's form, massing and facade all contribute to the character of the site and create visual interest.
- 7.2 Local residents and Ward councillors have raised concerns with regard to the scale and bulky nature of the proposed extension and its subsequent impact on the street scene. The concerns are noted and it is accepted that the proposed extensions would significantly increase the mass of the dwelling. However, the proposed development is not considered to result in overdevelopment of the site and although the footprint of the dwelling would increase, it would not be significantly disproportionate in size to the other dwellings in the area.
- 7.3 The proposed side extension would be visible from the public realm. However, given its small projection and sympathetic design, it is not considered to result in any unacceptable impact on the character of the area, or be out of keeping with the scale of the original dwelling. Its design is considered sympathetic with the roof pitch following that of the existing. Furthermore, the ridge would sit lower than the existing and the extension would be set back from the existing front elevation, thereby giving it a subservient appearance. In addition, the use of matching external materials would ensure the extension is not at odds with the existing house or the local street scene.
- 7.4 The single storey rear extension and roof terrace would not be visible from the front of the site. Therefore, these would not result in any unacceptable impact on the street scene. The size of the rear extension is considered to be proportionate to the size of the existing dwelling and its plot and would retain sufficient amenity space. The footprint of the ground floor rear extension (without the roof terrace) is only 0.1 metre above what can be done without planning permission under permitted development therefore this aspect could not reasonably be resisted.
- 7.5 As such the proposal is considered to comply with policies D1, D2 and D3 of Plan:MK and Section 12 of the NPPF.

Impact on residential amenity

- 7.6 Policy D5 of Plan:MK seeks to ensure that development proposals do not cause an adverse impact on residential amenity. It also seeks to ensure new development is not overbearing upon existing buildings and open spaces. It requires all proposals to create and protect a good standard of amenity for buildings and surrounding areas, and in particular should ensure levels of sunlight and daylight within buildings and open spaces, and garden areas in particular, are satisfactory; a reasonable degree of privacy to new and existing private living space and the main private garden area, with overlooking limited to an acceptable degree; and that new development is not overbearing upon existing buildings and open spaces.
- 7.7 A number of local residents, Great Linford Parish Council and Ward councillors have raised concerns with regards to loss of privacy resulting from the proposed roof terrace, and an overbearing impact and overshadowing resulting from the proposed extensions on the adjacent neighbours. Concerns have also been raised that the rear extension would leave the property with little garden space.
- 7.8 The size of the rear extensions is considered proportionate to the size of the existing dwelling and the plot and would retain sufficient amenity space. The proposed rear extension would be only 1.6 metres deeper than the existing conservatory. In addition, subject to a reduction by 10cm, its footprint would meet the permitted development criteria for single storey rear extension. The scheme would leave a garden depth of between 7.7 metres and 12 metres. The New Residential Development Design Guide Supplementary Planning Document (SPD) requires garden depths of at least 10 metres. Whilst some parts of the garden do fall below this requirement, given the property sits on a wide plot (12 metres, reducing to 8.5 metres towards the rear), it is considered that sufficient outdoor amenity space would be retained.
- 7.9 The closest neighbour to the proposed development is no.44 Coberley Close, located to the north-east of the site. The proposal would bring the dwelling 2.6 metres closer to this neighbour at first floor level. The two-storey side/rear extension would sit approximately 1.5 metres from the boundary with this neighbour and approximately 9.9 metres from this neighbour's nearest elevation (rear). Given this separation distance and the fact the side/rear extension would sit adjacent to this neighbour's rear garden, it is not considered to result in any overbearing impact or unacceptable levels of overshadowing. The proposed roof terrace would not extend beyond the proposed two storey rear extension therefore it would not be visible to this neighbour. The roof would be hipped, facing away from this neighbour and therefore reducing the impact.
- 7.10 While it is noted that the guidance in the SPD requires a distance of 13.7 metres between side and rear elevations for new dwellings, this is for privacy concerns related to first floor windows. No windows are proposed in the side elevation facing this neighbour. Any windows added in the future under permitted development would need to be obscure glazed if in the side elevation. Therefore, there are no overlooking or loss of privacy concerns.

- 7.11 With regards to the adjoining neighbour at no.4 Brockhampton, located to the south-west of the site, the majority of the two-storey side extension would not be visible. The majority of the extension would be blocked by the existing two-storey house. The rear projecting first floor element would, however, be visible to this neighbour. However, this would be located between 8.5 metres and 9.5 metres from the boundary with this neighbour, and approximately 17 from the neighbouring dwelling. This separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing. The single storey rear extension would be located between 1.3 metres and 3 metres from the boundary. In light of the above this aspect could not reasonably be resisted.
- 7.12 Overlooking and privacy concerns were initially raised regarding the proposed roof terrace, particularly in respect to overlooking towards no. 4 Brockhampton. In response, the plans have been amended and a privacy screen has been added on the south-west elevation to ensure there is no direct overlooking towards this property. A condition is recommended to ensure this is secured in order to avoid any unacceptable levels of overlooking from the proposed terrace. As such the impact on this neighbour is considered to be negligible. The privacy screen is set back from the existing side elevation of the dwelling, at over 14 metres from no. 4. It is, therefore, no closer to the neighbour than the existing side elevation, and there are no concerns with these elements having an overbearing impact on no.4 Brockhampton.
- 7.13 With regards to the neighbour at no.3 Brockhampton, located to the west of the site, the proposed extensions are located a sufficient distance away. Given the relationship with this neighbour and the orientation of the properties, they would not result in overbearing impact or any unacceptable overshadowing. The proposed roof terrace would directly overlook only a very small part of this neighbour's rear garden in a similar manner to existing and proposed first floor windows, which can, on balance, be accepted.
- 7.14 One first floor window in the rear elevation and the proposed roof terrace would directly face the neighbour to the rear at no.1 Brockhampton. However, there would be a back-to-back separation distance of at least 26 metres to the nearest elevation of this neighbouring property. This meets the criteria set in the SPD which requires a back-to-back separation distance of 22 metres. As such, the impact on this neighbour would be within acceptable tolerances.
- 7.15 The neighbour to the north of the application site at no.42 Colesbourne Drive would not be unacceptably impacted given the significant separation distance. The proposed first floor bedroom window and terrace to the rear would not directly overlook this neighbour. In addition, there would be a back-back separation distance of at least 24 metres. As such, the proposed development is not considered to result in any unacceptable impact on the amenity of this neighbour.
- 7.16 With regards to the neighbour at no.2 Brockhampton located to the west of the application site, again the proposed extensions would be located a significant distance from this neighbour's nearest boundary. A small section of the proposed roof terrace may directly face this property. However, given it would be located some 30 metres from the nearest elevation, it is acceptable.

- 7.17 One neighbour has raised concerns with regards to construction noise and its impact on the current home working arrangements. Whilst it is accepted that there would be additional noise during the construction period, this would be temporary and it would not be reasonable to restrict this on a minor householder application. However, if there is excessive noise at unreasonable hours then a complaint should be made to Environmental Health.
- 7.18 Given the above, the proposed works are not considered to result in any unacceptable impact on the amenity of the neighbouring properties and would therefore accord with Policy D5 of Plan: MK.

Parking & Highway implications

- 7.19 Policy CT10 within Plan: MK states that all development proposals should meet the Council's parking standards and that on-site parking should not be reduced below the Council's full expectations if the proposal would increase pressure in off-site parking.
- 7.20 A number of objections have been raised with regards to the replacement of the garage with the proposed side extension and the impact this would have on the parking provision. The concerns raised are noted. However, the driveway would remain the same as existing and, given garages are not considered as formal parking spaces under the Parking Standards SPD, the scheme could not reasonably be resisted on this basis.
- 7.21 The site currently falls short of the current parking standards as 2no. off-street parking spaces are required for a 3-bedroom dwelling. However, given the fact the proposed development would not increase the number of bedrooms in the property, the parking requirement for the site would not change. As such the scheme could not reasonably be resisted on this basis.
- 7.22 The Highways officer initially raised concerns with the scheme as the supporting pillar initially proposed at the front would create a further constraint to the already tight parking space and would not be compliant. As such the scheme was amended and the supporting pillar omitted. The existing parking space would now remain the same without any obstruction.
- 7.23 Therefore, the proposal is considered to comply with Policy CT10 of Plan: MK and the Parking Standards SPD.

Other matters

- 7.24 An objection notes that the side extension does not meet the requirements of the permitted development Order. However, the application is for express planning permission, therefore the permitted development criteria are not relevant, as the proposal does not have to comply with them.
- 7.25 There is concern that allowing the roof terrace would set precedent, but every case is judged on its own merits. The fact that works have started without permission is also not relevant, with legislation allowing for retrospective applications. Enforcement

Officers are aware of the works on site and are monitoring the progress of this application.

8.0 CONCLUSIONS

8.1 The proposal is considered to be in accordance with development plan policies and it is therefore recommended that planning permission is granted subject to conditions.

9.0 CONDITIONS

1. The approved development shall be carried out in accordance with the following drawings/details:

- Plans and elevations as existing and proposed – 2020/0080/0001 Rev C
- Site layouts as existing and proposed and site location plan - 2020/0080/0002

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

2. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 91 of the Town and Country Planning Act 1990.

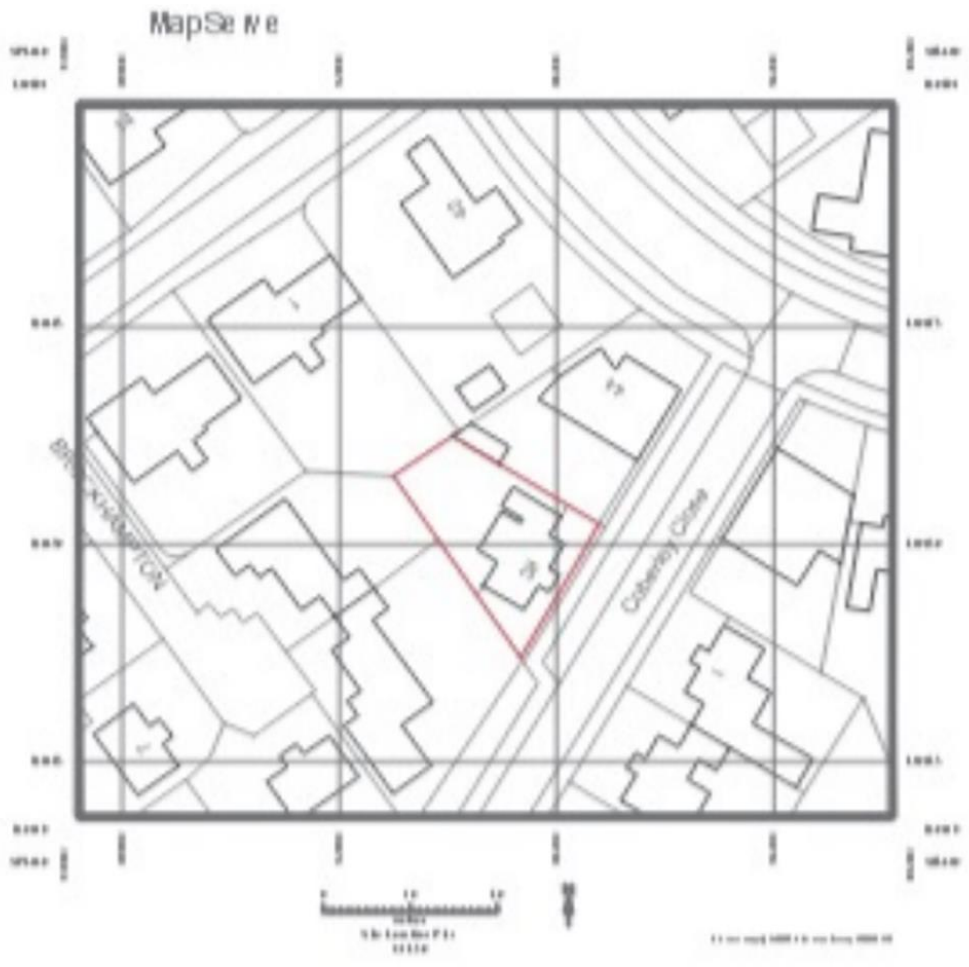
3. Prior to first use of the roof terrace hereby approved a 1.8 metre high privacy screen positioned along the entire south-west edge of the roof terrace shall be installed and thereafter retained. The privacy screen shall be obscurely glazed to a minimum level 3 within the Pilkington range of Textured Glass or equivalent so to prevent any persons obtaining views of neighbouring property through it and shall not be altered to clear glazing or opening without the specific grant of planning permission from the Local Planning Authority.

Reason: To preserve the amenity and privacy of the adjoining residential occupiers in accordance with Policy D5 of Plan: MK (2019).

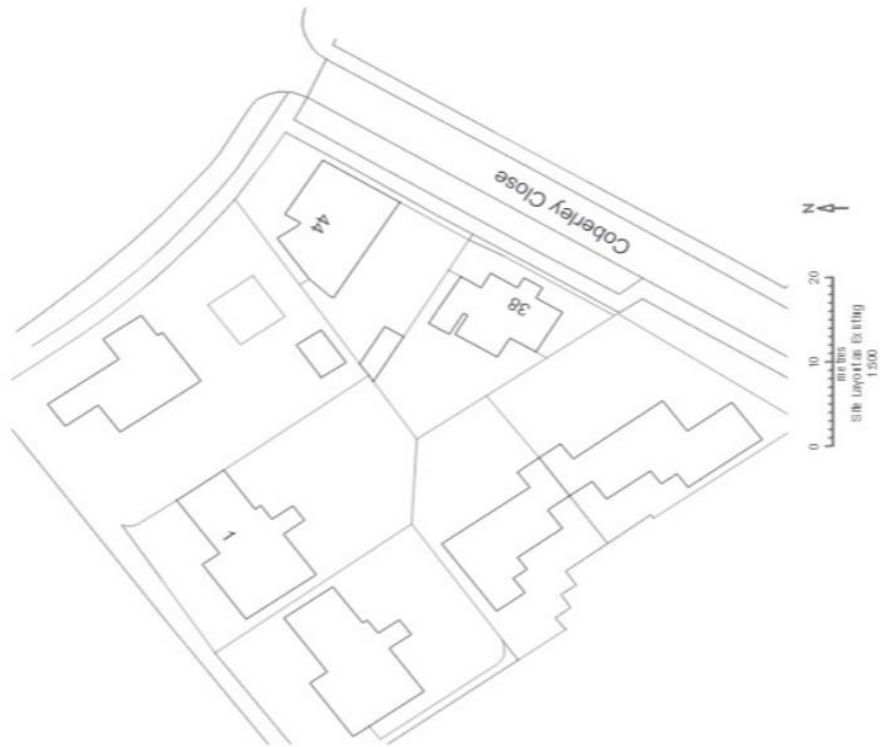
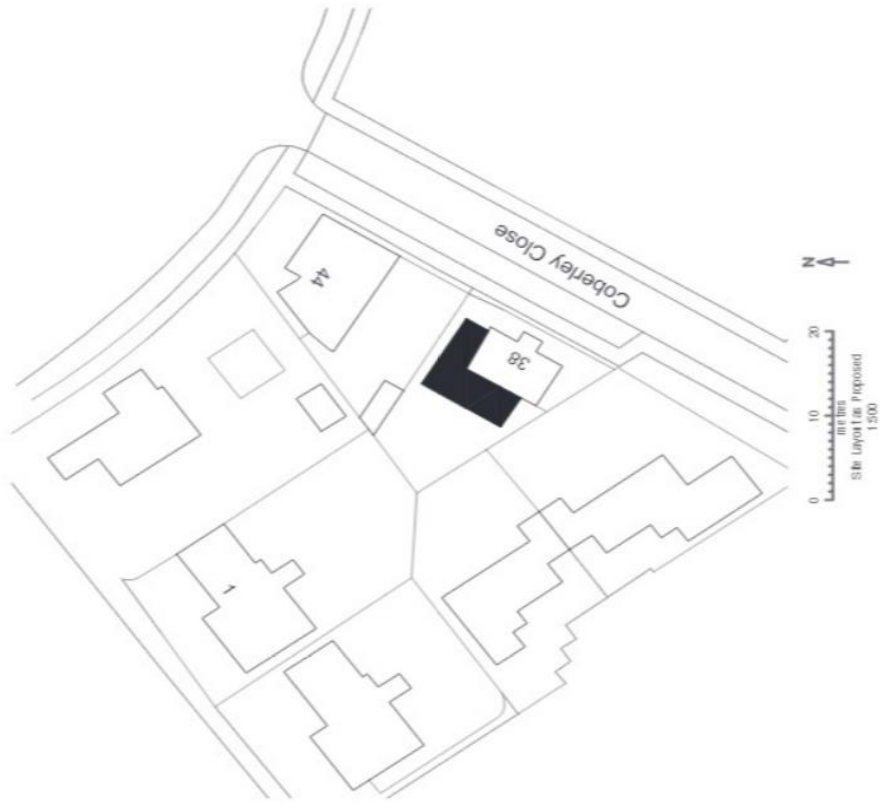
4. The external surfaces of the development hereby permitted shall be constructed only of materials of a type and colour which match those of the existing building except where indicated otherwise on the approved drawings.

Reason: To ensure that the new work complements the existing building and to ensure the development does not detract from the character and appearance of the area in accordance with Policies D2 and D3 of Plan: MK (2019).

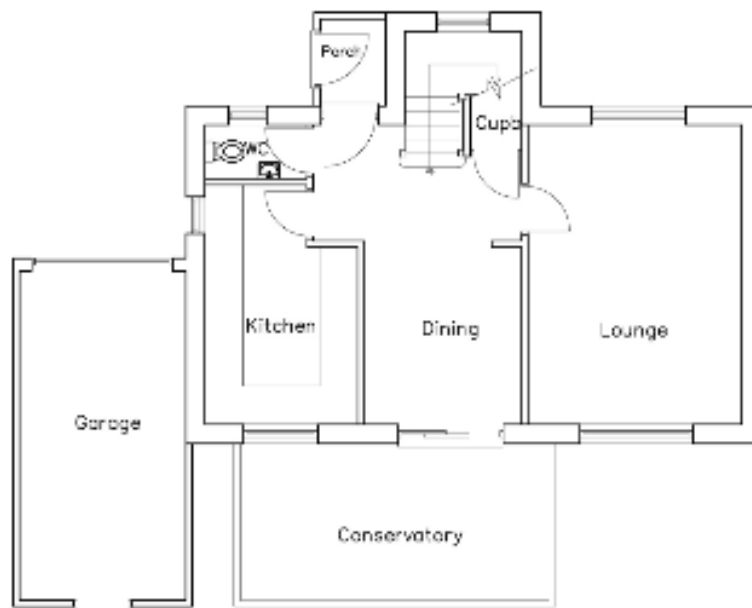
Site location plan



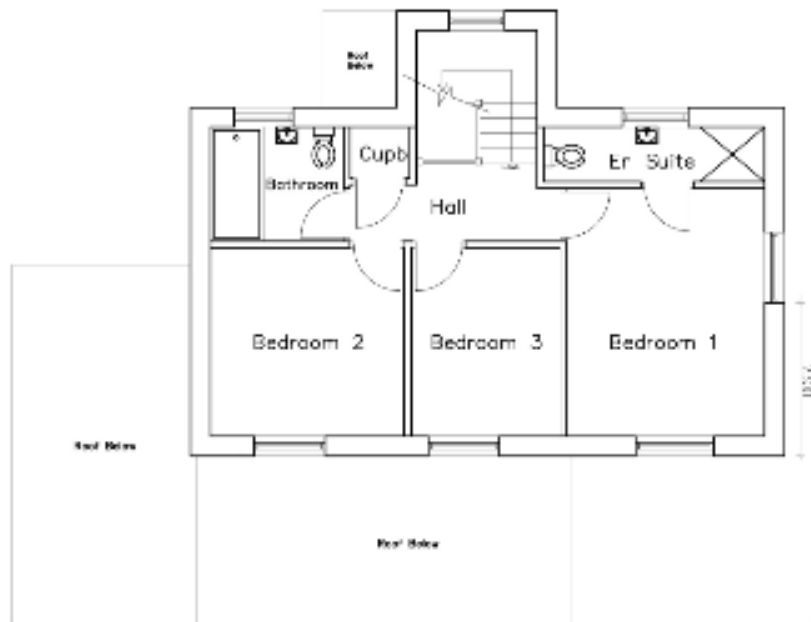
Existing and proposed block plans



Existing floor plans

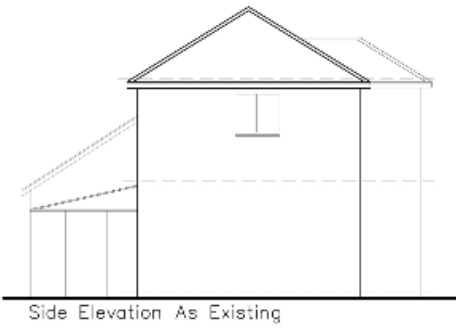


Ground Floor As Existing

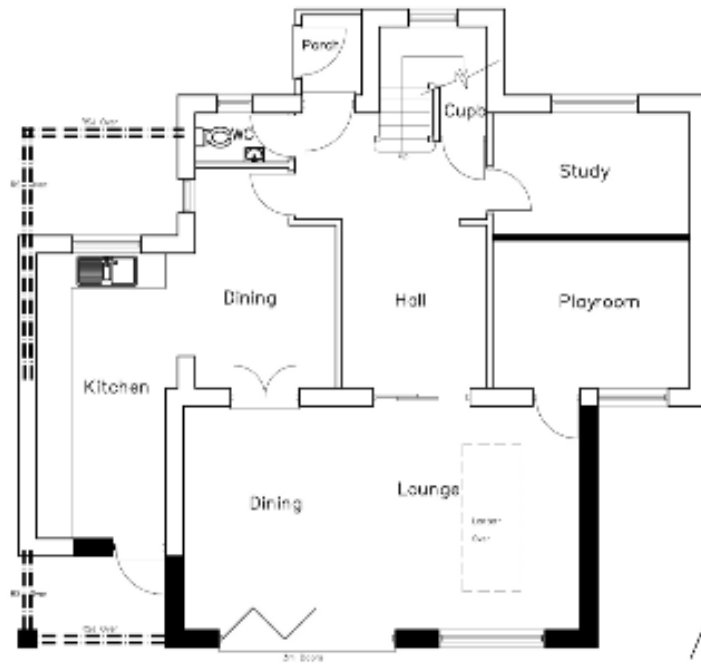


First Floor As Existing

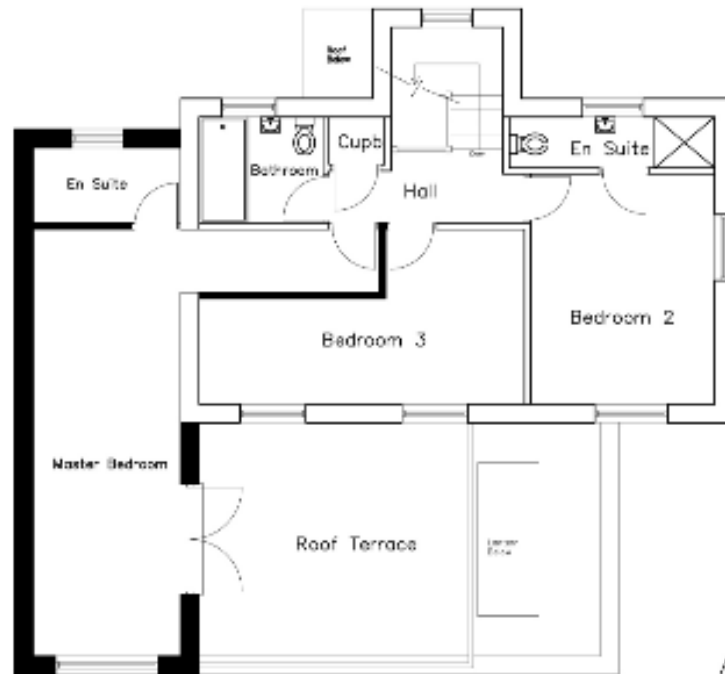
Existing elevations



Proposed floor plans

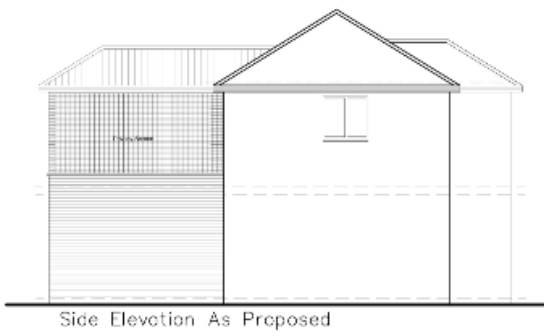
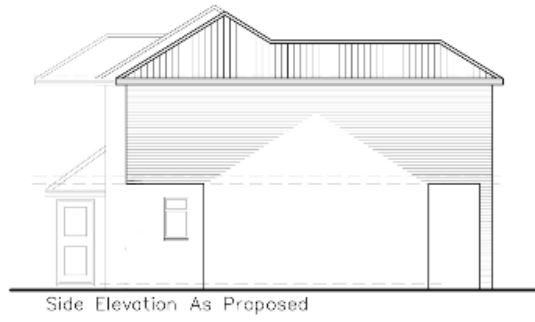
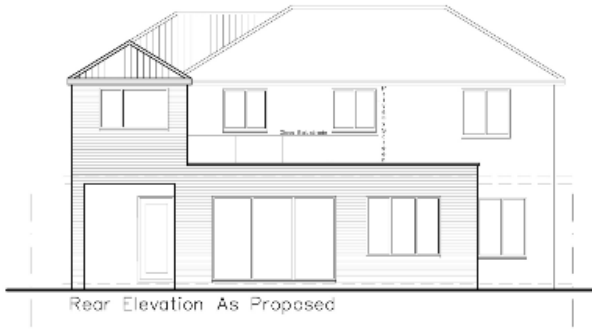


Ground Floor As Proposed



First Floor As Proposed

Proposed elevations



A1.0 FULL CONSULTATIONS AND REPRESENTATIONS

A1.1 Great Linford Parish Council

Initial comments

'Currently there appears to be inadequate parking provision on-plot. The rear gardens of the 4 properties in Brockhampton will be overlooked from the first-floor balcony, leading to visual intrusion and loss of privacy. GLPC recommends that planning permission is refused. GLPC wish to be notified in advance should this application be recommended for approval and request that it be called in for consideration by DCC or DCP so that GLPC may make representations to DCC or DCP objecting to the application'.

Additional comments

'GLPC restates that GLPC would object to the application unless there is a 1.8 metre high obscured screen surrounding the two sides of the balcony and this a condition on the decision notice included to protect the amenity of residents in Numbers, №3, and №4 Brockhampton, and potentially in №1, №2 Brockhampton. NOTE GLPC wish to be notified in advance should this application be recommended for approval without the balcony screen being conditioned and request that it be called in for consideration by DCC or DCP so that GLPC may make representations to DCC or DCP objecting to the application'

A1.2 Cllr Terry Baines – Campbell Park and Old Woughton Ward

No comments received.

A1.3 Cllr Paul Trendall – Campbell Park and Old Woughton Ward

Initial comments

'I am aware of some strong feeling in the immediate community with regards to this application, and fears that unless dealt with quickly, the construction work which is already underway will be completed before the application is even heard. I request that this application is called into the Development Control Panel so that it may be heard by councillors'

Additional comments

'In this instance the reasons include, but are not limited to, the building: Is overbearing and overlooks other properties; Exceeds the footprint of the property for building; Requires excessive parking for the street. Work has commenced prior to any planning consent, and it is important that MKC send out a message that the days when you can do this and dare the council to refuse permission are over'.

A1.4 Cllr Ric Brackenbury – Campbell Park and Old Woughton Ward

'Building work is well underway on the site. I have no concerns with regards to parking if there are no additional bedrooms and no additional requirement for off-road parking. Given the concerns raised by local residents this application should be referred to the committee panel on grounds of its scale, bulk and privacy'.

A1.5 MKC Highways

Initial comments

'The site's only on plot parking space appears tight as it is. With the proposals by having a RSG and a supporting pillar will create a further constraint and not providing a compliant 2.5m open parking space. This will likely lead to a vehicle parking in front of the extension and a vehicle overhanging the site or a complete rejection of the parking space and the owner parking in the street which is unacceptable. This leads me to object to the application. I would therefore recommend that the applicant redesigns the extension to provide a compliant parking space'.

Additional comments

'I note that the pillar is removed which removes the constraint to the parking space therefore I have no objections to the planning application'.

A1.6 Canal and River Trust

The application falls outside the notified area for its application scale.

A1.7 Third Party Representations

8 letters of objection have been received citing the following concerns:

- Building in front of the driveway will shorten the driveway, making it difficult for a standard size car to fit in the drive
- The roof terrace would overlook neighbouring properties
- The side extension does not meet the requirements set in schedule 2 of the permitted development order
- The two storey rear extension will impact the neighbours property in terms of light
- The extensions will leave the application site with little garden space
- Allowing the roof terrace will set precedent
- The roof terrace even with the privacy screen on the side will overlook neighbouring properties
- Design and impact on the streetscene
- The conversion of the garage will lose the properties second parking space which means car will end up being parked on the street, posing a danger to vehicles entering/leaving the street
- The extensions would result in overbearing impact on neighbouring properties

The following non-material concerns have also been raised:

- Works have started without planning permission

- The proposed development will have an adverse effect on the resale and value of our property
- Construction noise intrusion