

Application Number: 21/01288/FUL

Description: Two-storey side and rear single storey extension (part-retrospective, re-submission of 21/00604/FUL)

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

For: Mr Qirjako

Statutory Target: 24.06.2021

Extension of Time: Yes – until 29.07.2021

Ward: Campbell Park and Old Woughton **Parish:** Great Linford Parish Council

Report Author/Case Officer: Rachel Larner
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1.0 RECOMMENDATION

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

2.0 INTRODUCTION

Reason for referral

2.1 The application has been referred to the Panel following a request from Cllr Trendall citing the following material reasons:

- The application is considered to be substantively the same as the previously refused applications (20/02598/FUL and 21/00604/FUL);
- Issues of intrusion and overlooking; and
- The roof terrace being contrary to planning guidelines.

The Site

2.2 The application site comprises a 2-storey, detached dwellinghouse within a residential area of Downhead Park, on Coberley Close. 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 of large, detached dwellings with off-street parking provision. The house shares boundaries with No.44 Colesbourne Drive to the north-east, Nos.3 and 4 Brockhampton to the south-west, and No.1 Stanway Close to the north-west.

- 2.3 There are no planning or land use constraints applicable to the application site and the property retains its full permitted development rights.

The Proposal

- 2.4 The application seeks planning permission for the part-retrospective two-storey side and rear single storey extension. The current proposal constitutes a revision of the previously refused applications for this development, in that it proposes an obscure-glazed privacy screen measuring 1.8 metres height by 3.9 metres width, to be located on the south-west side first floor elevation facing No.4 Brockhampton. The privacy screen is proposed to be obscured to a minimum Level 3 within the Pilkington range of Textured Glass, or equivalent. No first-floor roof terrace is proposed, unlike the previous application considered by the Panel.
- 2.5 The proposed extensions collectively form an 'L'-shape which wraps around the existing property. The proposed single storey rear extension measures 4.18 metres in depth and approximately 3.08 metres in height, with a flat parapet roof. The proposed two-storey side/rear extension has a width of 3.05 metres, measures 5 metres in height to the eaves and approximately 8.79 metres in length along the north-east side. A Juliet balcony is proposed in the south-west side elevation at first-floor level.
- 2.6 All proposed external materials would match the existing dwellinghouse.

Scope of debate/decision

- 2.7 This application proposal is a full planning application and so all material planning considerations 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 4: Decision Making

Section 12: Achieving Well-designed places

In addition, the Planning Practice Guidance is also a material consideration.

The Development Plan

3.2 Great Linford Parish Neighbourhood Development Plan – South

No Policies relevant to the current application.

3.3 Plan:MK (March 2019)

Policy CT10: Parking Provision
Policy D1: Designing a High Quality Place
Policy D2: Creating a Positive Character
Policy D3: Designing Buildings
Policy D5: Amenity and Street Scene

3.4 Supplementary Planning Documents/Guidance

Milton Keynes Parking Standards SPD (2016)
New Residential Design Guide SPD (2012)

3.5 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.

3.6 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 Application Site

20/02598/FUL

Proposed two storey side and rear and single storey rear extensions and roof terrace (re-submission of 20/02022/FUL)

Refused on 02.03.2021 (Appeal received)

Refusal reason: The proposed development, by reason of the proposed siting of the roof terrace, would result in visual intrusion and direct overlooking into the gardens of the properties to the rear of the application site, resulting in a harmful loss of privacy to the occupants of these dwellings. The application is therefore contrary to Plan: MK (2019) Policy D5 and Para 4.11.39 of the Milton Keynes' Residential Design Guide.

21/00604/FUL

Two storey side and rear single storey extension

Refused on 28.04.2021

Refusal reason: *By virtue of its location and proximity to the neighbouring property at No.4 Brockhampton, the proposed Juliet balcony in the south-west side elevation of the proposed extension will unacceptably impact upon privacy for the adjoining neighbour and will result in a loss of residential amenity. This is contrary to Policy D5 of Plan:MK (2019) and planning permission is therefore refused.*

5.0 CONSULTATIONS AND REPRESENTATIONS

5.1 Great Linford Parish Council

Great Linford Parish Council advises that they have no objection to the proposal, provided that the requested conditions are included. The requested conditions are that the Juliet balcony remains in place along with the privacy screen, the front elevation should be cantilevered, and the ground floor area should not increase, so to retain the one off-street parking space.

5.2 Councillor Charlotte Hall – Campbell Park and Old Woughton Ward

No comments received.

5.3 Councillor Terry Baines – Campbell Park and Old Woughton Ward

No comments received.

5.4 Councillor Paul Trendall – Campbell Park and Old Woughton Ward

Councillor Trendall requests for the application to be determined by the Panel, giving the following reasons:

- The application is considered to be substantively the same as the previous, refused applications;
- Issues of intrusion and overlooking;
- The roof terrace being contrary to planning guidelines; and
- The application is regarded as being “locally controversial”.

5.5 Representations from interested parties

2 objections have been received alongside 1 representation neither objecting to, nor supporting, the application. The material reasons for objection are as follows:

- Location of the Juliet balcony affecting privacy;
- Privacy screen having a negative impact on character and appearance;
- Loss of sunlight;
- Loss of visual outlook; and

- Potential for the roof of the single storey element to be converted into a roof terrace.

The following non-material concern(s) have also been raised:

- The number of previous applications for this development that have been submitted.

6.0 MAIN ISSUES

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; and
- Parking and highways.

7.0 CONSIDERATIONS

Design, character and appearance

- 7.1 Policies D1 and D2 of Plan:MK seek to ensure that proposals respond appropriately to the site context and appearance and exhibit a positive character. 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 as the surrounding area.
- 7.2 The proposed side extension would be visible from the public realm. However, given its modest projection and sympathetic design, it is considered that this element would not result in an unacceptable impact on the character of the area. Furthermore, the ridge would sit lower than the existing building and the extension would be set back from the existing front elevation. In addition, the use of matching external materials would ensure that the extension does not detract from the appearance of the existing house or the local street scene.
- 7.3 The single storey rear extension would not be visible from the front of the site or from the public realm, and consequently would have no detrimental impact on the character of the street scene. The size of the rear extension would be proportionate to the existing dwelling and plot, and the proposal overall would not constitute an overdevelopment of the site.
- 7.4 It is noted that neither of the previously refused applications cited reasons of design, character or appearance as reasons for refusal, in relation to the extension themselves. Those elements remain the same under the current proposal.
- 7.5 The proposed obscure-glazed privacy screen has been included as a response to the privacy concerns which resulted in the refusal of the most recent application (ref. 21/00604/FUL). A similar privacy screen was proposed under the first application (ref. 20/02598/FUL), though this differed from the current application as it also proposed a roof terrace above the single storey rear extension, which is not included

on the current proposed plans. The proposed screen would be visible from the rear garden of No.4 Brockhampton but would not be visible from the street. It is considered that the visual impact of the screen would be minimal, and it would not detract significantly from appearance or character of the dwelling or surrounding area, and the visual impact of this screen was not a focus of the reason for refusal under the first application.

- 7.6 In summary, it is considered the proposal is in keeping with the character and appearance of the area, and the overall scale and design of the proposal is considered to be acceptable. The introduction of the privacy screen does not give rise to a different view to that which was previously considered acceptable in design terms. Given these findings, the proposal is considered to accord with Policies D1, D2 and D3 of Plan:MK and section 12 of the NPPF.

Impact on residential amenity

- 7.7 Policy D5 of Plan:MK seeks to ensure that all development proposals create and protect a good standard of amenity for neighbouring buildings and their occupiers.
- 7.8 The main concerns that have been raised relate to the suggested loss of privacy resulting from the proposed Juliet balcony, loss of sunlight and loss of visual outlook. The most recent application was designed so the Juliet balcony would have had a direct view to the rear windows of No.4 Brockhampton. However, the current proposal includes the addition of a proposed obscure-glazed privacy screen, which in this case is considered to mitigate the privacy concerns. A condition is recommended to require its provision prior to first occupation of the first-floor bedroom where the Juliet balcony is located, and to prevent its later removal or alteration to other glass, in order to preserve amenity for the neighbours.
- 7.9 The objections relating to the potential use of the roof of the rear extension as a roof terrace are acknowledged, particularly as a roof terrace formed part of the first refusal for 20/02598/FUL currently at appeal. The current application differs from this refused application as no roof terrace is proposed. However, speculation of any future use is not a material planning consideration, and assessment must be based on the proposal as presented. It is unnecessary to prevent the use of the roof as a terrace by condition because this is not proposed under the current application, and any use as a roof terrace would require planning permission. Such a condition would not therefore meet the tests of conditions in this regard. Any breach of planning control would be subject to an enforcement investigation. However, it is acknowledged that the Juliet balcony doors could be altered to patio doors under permitted development rights, which could result in unofficial access to the roof. Therefore, a condition is recommended to restrict the removal or alteration of the Juliet balcony without permission from the Local Planning Authority, in order to preserve the amenity of the neighbouring dwellinghouses.
- 7.10 The size of the rear extensions is considered proportionate to the size of the existing dwelling, and the development overall is not considered to be an overdevelopment of the site. The proposed rear extension would be only 1.6 metres deeper than the previous rear conservatory. In addition, subject to a reduction of approximately 10cm, the footprint of the single storey rear extension would meet the permitted

development criteria for extensions and as such it is considered that this could not reasonably be refused. This element of the proposal, due to its limited size and scale, would not have a detrimental impact on the amenity or outlook from neighbouring properties in any case.

- 7.11 The New Residential Development Design Guide SPD recommends that gardens for a family dwelling have a minimum depth of 10m. In this case, the scheme would leave a garden depth of between 7.7 metres and 12 metres. Whilst some parts of the garden do fall below the recommended standard, the property sits on a relatively wide plot (12 metres, reducing to 7.7 metres towards the rear), and the SPD states that residential gardens can have a reduced depth of 7-8 metres if located on a wide frontage unit. Therefore, it is considered that sufficient outdoor amenity space would be retained for the occupants.
- 7.12 The closest neighbour is No.44 Colesbourne Drive, 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, there is nothing to suggest that the 25-degree site line (taken from the centre of ground floor rear windows on no. 44) set out in fig.14 of the BRE regulations would be breached. Therefore, the two-storey extension is not considered to result in an overbearing impact or unacceptable levels of overshadowing. There are also no proposed additional windows on the side elevation facing this neighbour and, as such, there are no privacy concerns relating to No.44 Colesbourne Drive. The two-storey side/rear extension is considered to be an acceptable distance from No.4 Brockhampton, and would not be overbearing or overshadowing to this neighbour.
- 7.13 The single storey rear extension would be located between 1.3 metres and 3 metres from the boundary with No.4 Brockhampton, and approximately 14.1 metres from the neighbouring rear elevation. It is not considered that the rear extension, by virtue of its relatively modest height, would result in overshadowing or a significant loss of visual outlook to this neighbour. The most recent application was refused due to the unobstructed views that would be afforded by the proposed Juliet balcony (on a side elevation of the two-storey rear projection) into the rear habitable room windows of no. 4. It was deemed that this would have a detrimental impact on the privacy currently enjoyed by the occupants of that property. Therefore, the privacy screen is considered to be necessary to allow the proposal to be acceptable in terms of residential amenity, and it is considered by officers to be a satisfactory solution to overcome the reason for refusal of the most recent previous application,, and is recommended to be secured by condition.
- 7.14 In light of the above assessment, the current proposal is considered to be compliant with Policy D5 of Plan:MK.

Parking and highways

- 7.15 Policy CT10 of Plan:MK requires that development proposals provide sufficient on-plot parking, in accordance with the Parking Standards SPD.

- 7.16 As existing, the dwellinghouse has 3 bedrooms and is located within Zone 3. The proposal seeks to enlarge one of the rooms but does not seek to create an additional bedroom. Therefore, there is no additional requirement for allocated parking spaces. There would be no proposed loss of allocated parking as a result of the works and, therefore, it is considered that the overall impact on parking would be neutral.
- 7.17 The condition requested by Great Linford Parish Council to retain the cantilevered front elevation, in order to retain parking, is not necessary, as any permission would be granted in accordance with the approved plans only. Such a condition would be unreasonable and unnecessary in this regard. Any future works forward of a wall forming part of the front elevation would require express planning permission and would be assessed under a planning application.
- 7.18 The proposal is therefore in accordance with the Parking Standards SPD (2016) and with Policy CT10 of Plan:MK.

8.0 CONCLUSIONS

- 8.1 The proposal is found to be in accordance with Policies D1, D2, D3, D5 and CT10 of Plan:MK, as well as Sections 2, 4 and 12 of the NPPF, and therefore planning permission is recommended to be approved, subject to the conditions.

9.0 CONDITIONS

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

Plans received on 29th April 2021 -

Site Location Plan

Existing and Proposed Block Plans

Drawing number 2020/0080/0001 Rev D - PLANS AND ELEVATIONS AS EXISTING AND PROPOSED, dated: 20/08/2020

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

2. The development hereby approved shall be carried out in accordance with the materials specified on the approved plans.

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 D1, D2, D3, D5 of Plan:MK (2019).

3. The privacy screen as shown on the approved plans shall be constructed and implemented in accordance with these details prior to the first occupation of the first-floor bedroom served by the Juliet balcony, and thereafter be retained in accordance with the specifications set out on drawing no. 2020/0080/0001 Rev D.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the Juliet Balcony on the first floor south-west side elevation facing towards No.4 Brockhampton shall be retained as a Juliet balcony (as proposed on drawing no. 2020/0080/0001 Rev D) and shall not be altered or removed in any way without consent from the Local Planning Authority.

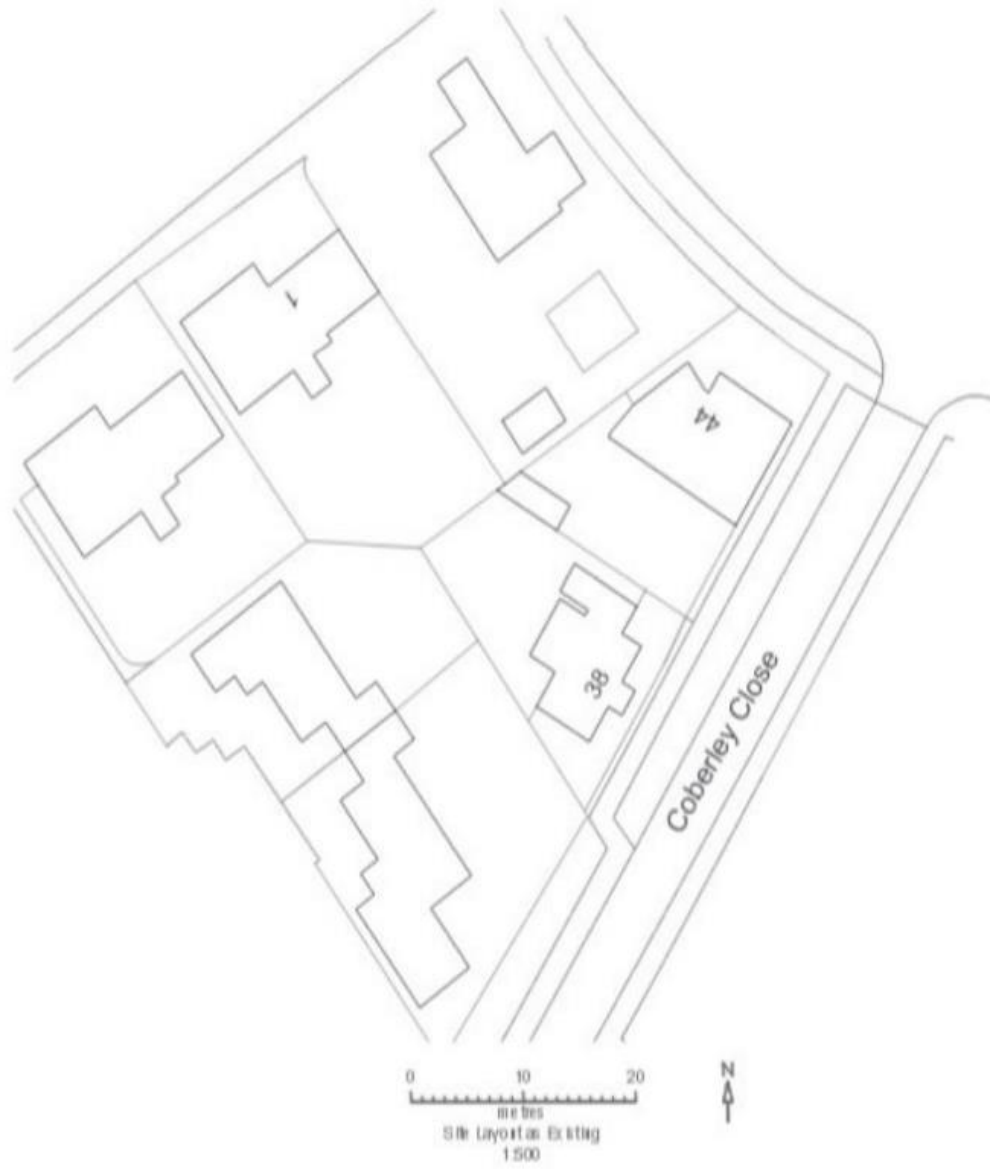
Reason: To prevent harm being caused to the amenity of the area and in the interests of residential amenity in accordance with Policy D5 of Plan:MK 2019.

Location Plan

MapServe



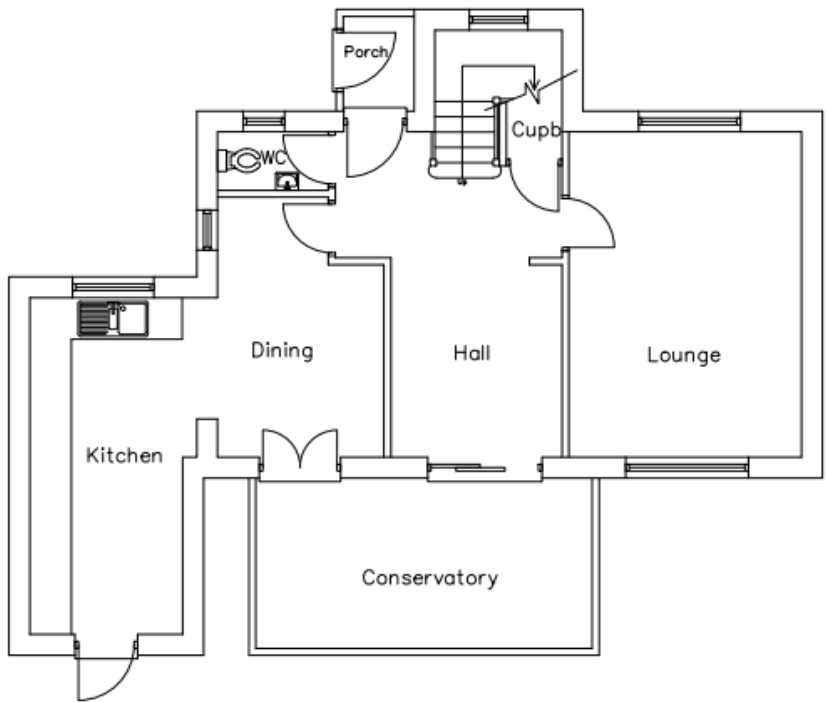
Existing Block Plan



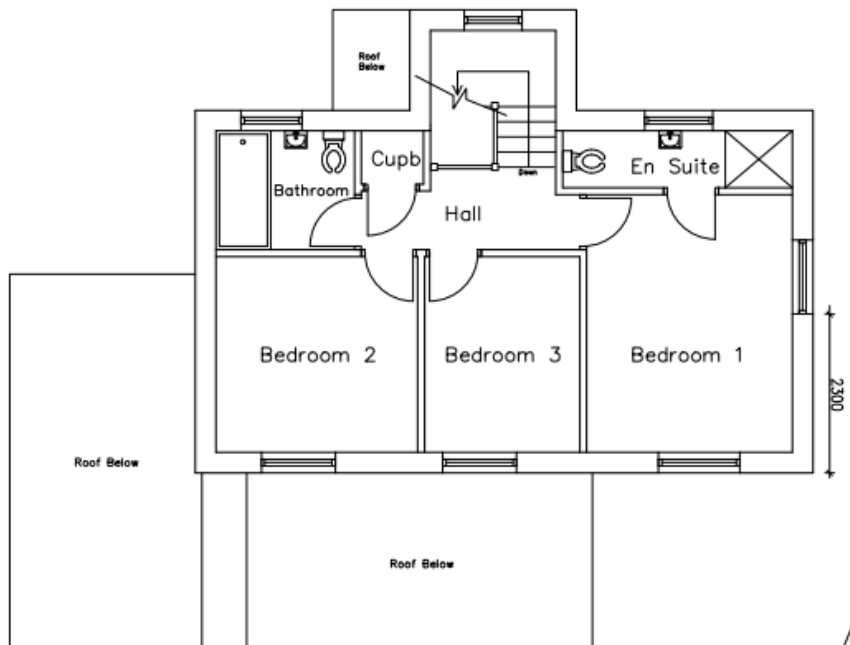
Proposed Block Plan



Existing Floor Plans

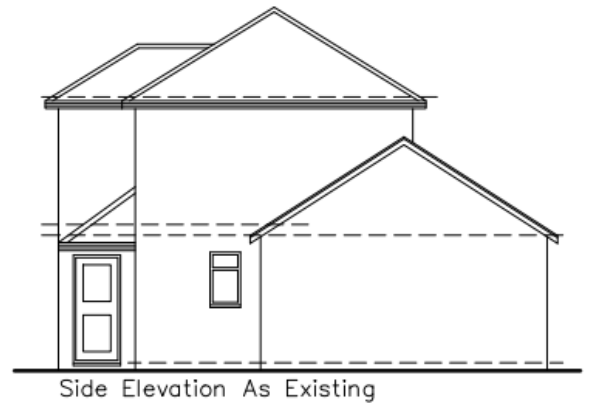
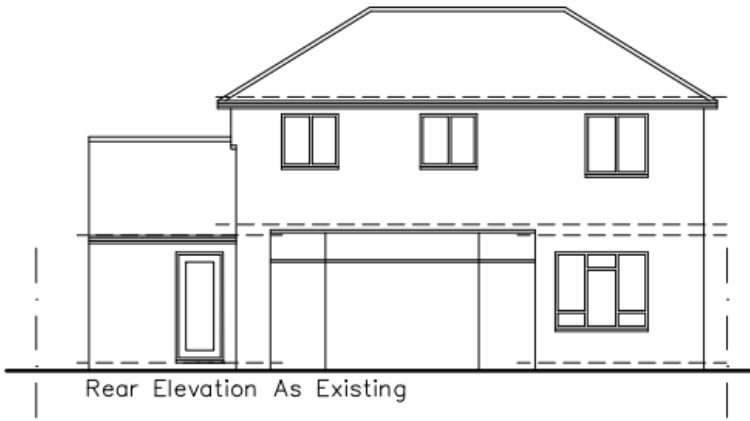


Ground Floor As Existing

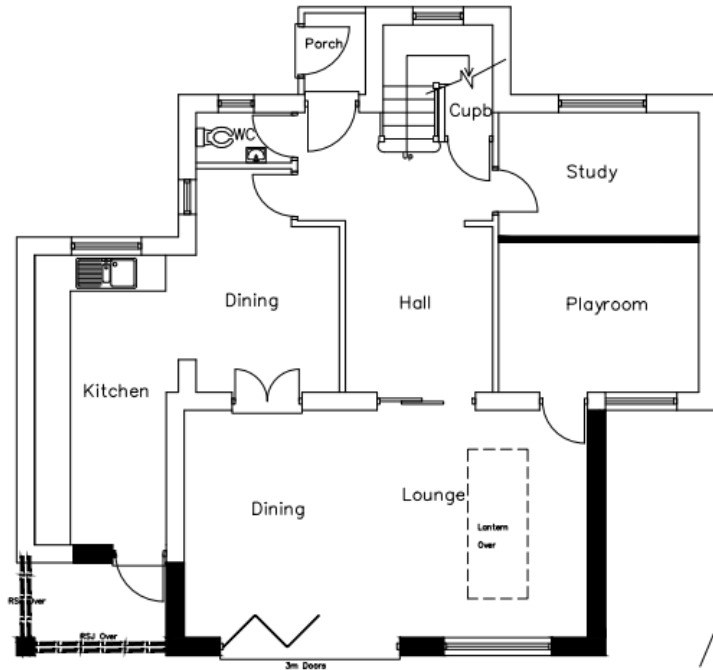


First Floor As Existing

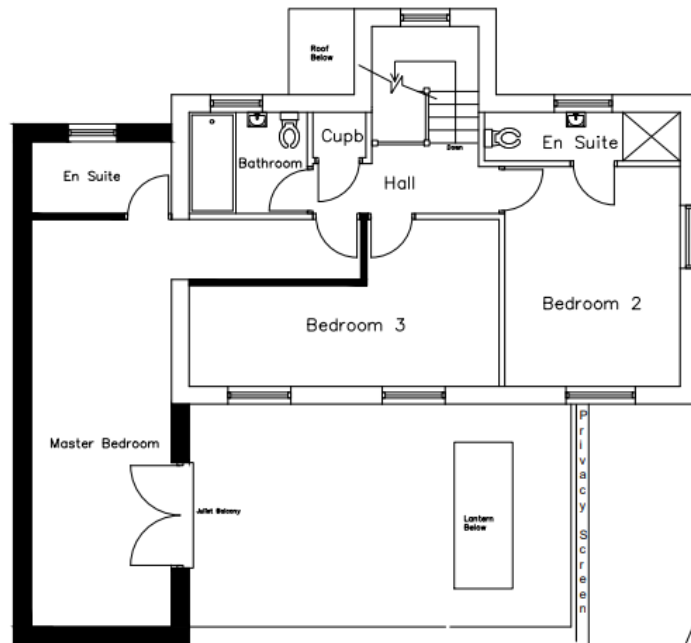
Existing Elevations



Proposed Floor Plans

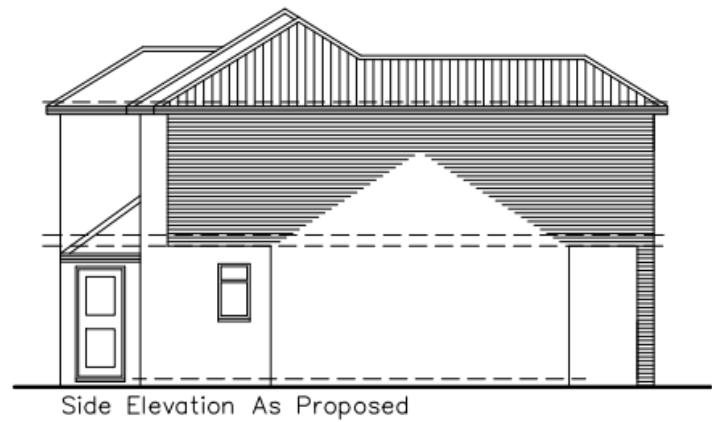
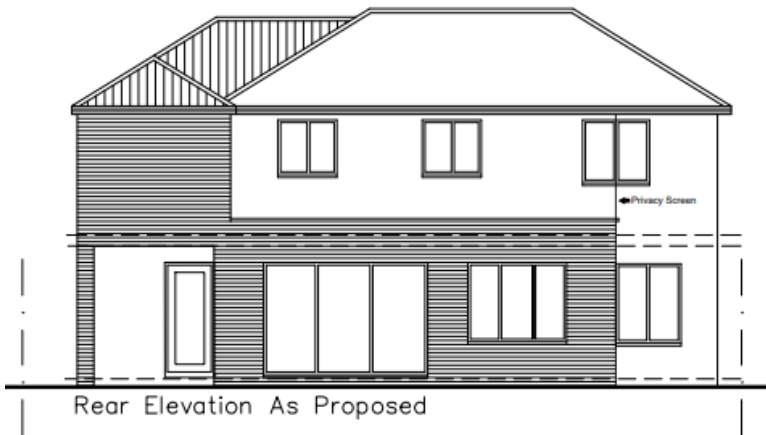


Ground Floor As Proposed



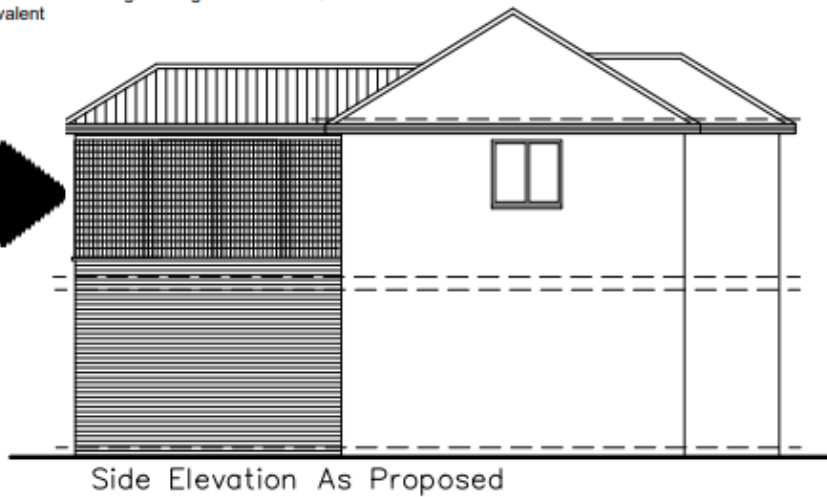
First Floor As Proposed

Proposed Elevations



Privacy Screen

1.8m height x 3.9m width Obscure Glazed Minimum level 3 within the Pilkington range of Textured Glass or equivalent



A1.0 FULL CONSULTATIONS AND REPRESENTATIONS

A1.1 Great Linford Parish Council

“No Objection provided the conditions are applied.

Comments from Councillors

The application was refused due to overlooking to neighbours from the Juliet balcony. There were objections from neighbours and GLPC.

The applicant has resubmitted original plans with a privacy screen of 1.8.

A question was raised with MKC planning case officer re plans inaccuracy which was not welcomed by the applicant as he feels that he has made amendments to the build at the request of GLPC. The elevations for side and front do not match with the ground floor plan.

However, the applicant states that he has engaged with a structural engineer to cantilever the front to create sufficient space to retain the existing car parking space.

CONDITIONS

Condition: That the Juliet balcony remains in place with privacy screen

Reason: To avoid overlooking of other properties.

Condition: The Front elevation is cantilevered, and the ground floor front does not increase (not indicated on plans submitted)

Reason: To retain the one and only existing parking space.”

A1.2 Councillor Charlotte Hall – Campbell Park and Old Woughton Ward

No comments received.

A1.3 Councillor Terry Baines – Campbell Park and Old Woughton Ward

No comments received.

A1.4 Councillor Paul Trendall – Campbell Park and Old Woughton Ward

“As ward councillor for Campbell Park and Old Woughton Ward, I wish to have 21/01288/FUL (38 Coberley Close) called in for consideration by the DCC/DCP.

The reasons for this request are:

The application is substantively the same as the earlier, refused one.

The application does not address the issues of intrusion and overlooking.

The purported roof terrace is contrary to planning guidelines.

The application is locally controversial, and as such should be decided upon by elected members rather than council officers.

Please will you confirm that this request has been noted and will be actioned.”