

**Application Number: 16/01821/FUL**

**Regularisation of alterations to dwelling previously approved under planning permission reference 12/01141/FUL (Part Retrospective)**

**AT 6 Weldon Rise, Loughton, Milton Keynes**

**FOR Mr & Mrs Gerra**

**Target:** Extension of time until 23<sup>rd</sup> January 2017

**Ward:** Loughton And Shenley

**Parish:** Loughton & Great Holm Parish  
Council

**Report Author/Case Officer:** Paul Keen

**Contact Details:** 01908 253239 paul.keen@milton-keynes.gov.uk

**Team Leader:** Sarah Hine

**Contact Details:** sarah.hine@milton-keynes.gov.uk 01908 252283

## **1.0 INTRODUCTION**

- 1.1 The main body of the report set out below draws together the core issues in relation to the application including policy and other key material considerations. This is supplemented by an appendix which brings together planning history, additional matters and summaries of consultees' responses and public representations. Full details of the application, including plans, supplementary documents, consultee responses and public representations are available on the Council's Public access system [www.milton-keynes.gov.uk/publicaccess](http://www.milton-keynes.gov.uk/publicaccess). All matters have been taken into account in writing this report and recommendation.
- 1.2 The reason for the determination of this application at Panel is due to the number of neighbour objections received, and an objection received from Loughton & Great Holm Parish Council.
- 1.3 **The Site**
- 1.4 The site lies within Loughton Conservation Area, which is characterised by extensive grassed and wooded areas interspersed by sporadic and small clusters of traditional and historic buildings giving a spacious character with buildings set well apart. The site lies adjacent to two listed buildings, principally 2 School Lane an early 19th century building listed Grade II and Salisbury House an early 19th Century building listed Grade II. The site can be seen from various locations within the conservation area and can be seen from the Scheduled Ancient Monument of Loughton Village Earthworks, which is also located within the Loughton Conservation Area.

1.5 Following planning permission 12/01141/FUL, a new house was constructed on the site, although this does not totally correspond with the approved plans. The new house is not occupied.

## 1.6 The Proposal

1.7 Planning permission is sought to regularise changes made to the previously approved dwelling under planning permission reference 12/01141/FUL.

1.8 The changes include:

- Distance from the shared boundary with no. 3 Leys Road has been decreased from a minimum of 4.3m to a minimum of 2.5m.
- Reorientation of building to be parallel with rear boundary (with no. 3 Leys Road).
- Increase in overall height of the building of up to 1.42m.
- Subsequent raising of rear part of the building, exposing 'basement' level above ground level and increased height of 'ground' floor windows/doors to be approximately level with rear fence.
- Changes to dormer window design
- Introduction of solar panels
- Window and door design changes (including garage door)

## 2.0 RELEVANT POLICIES

### 2.1 National Policy

National Planning Policy Framework (NPPF), paragraphs:

Section 4: Promoting sustainable transport

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 8: Promoting healthy communities

Section 11: Conserving and enhancing the natural environment

Section 12. Conserving and enhancing the historic environment

### 2.2 Local Policy

Core Strategy

CS19 – The Historic and Natural Environment

Adopted Milton Keynes Local Plan 2001-2011

D1 – Impact of development proposals on locality

D2 – Design of buildings

HE5 – Development affecting the setting of a listed building.

HE6 – Conservation areas

T15 – Parking provision

H7 – Housing on unidentified sites  
NE2 – Protected species

Supplementary Planning Guidance

Parking Standards 2016

New Residential Development Design Guide SPD (April 2012)

### **3.0 MAIN ISSUES**

3.1 The main issue to consider are in relation to the changes made to the scheme previously granted under 12/01141/FUL which are outlined in section 1.3 of this report.

3.2 Members need to consider any additional impacts in relation to the following:

- Character and appearance of the Conservation Area and setting of nearby Listed Buildings;
- Landscape and trees
- Impacts on neighbouring residents

3.3 The proposed changes have no further impact on any other issue.

### **4.0 RECOMMENDATION**

4.1 It is recommended that planning permission be granted subject to the conditions set out in section 6 of this report.

### **5.0 CONSIDERATIONS**

5.1 Character and appearance of the Conservation Area and setting of nearby Listed Buildings

The general design of the building is similar to that originally granted planning permission under 12/01141/FUL, including its overall footprint.

5.2 However the building has been moved closer and orientated to be parallel to the shared boundary with no's 1 and 3 Leys Road. Reductions in ground levels have not taken place as previously approved, and as such, the building now sits some 1.42m higher than the previously approved. This has also resulted in parts of the 'basement' being above ground level to the rear of the building nearest to the boundary with properties in Leys Road.

5.3 This has led to a built form which is visually bulkier and physically taller within the locality. The exposed basement area is also a visually unusual feature.

5.4 However, when assessed on site, on balance it is considered that the building has not led to a significantly greater impact on the character an appearance of the area, Conservation Area, nor setting of nearby Listed Building at no's 3

Leys Road and no. 2 School Lane. A distance of over 50m from the Listed Building would be retained. Existing landscaping helps reduce the visual impact of the development, although admittedly to a lesser extent in the winter months.

5.5 Having discussed the issue with the Council's Conservation Officers, they do not raise objection to the application.

5.6 When taking this into account and that the exposed basement feature is larger screened to the rear of the building, it is considered that the proposal does not have a harmful visual impact on the locality, when compared to what has previously been considered acceptable. The proposal therefore complies with Policies D2, HE5 and HE6 of the Milton Keynes Local Plan 2001-2011 and the aims of the NPPF.

#### 5.7 Landscape and trees

Concern has been expressed by the Arboricultural Officer regarding the impact of the development as constructed on the trees and hedge plants along the southwest boundary. Having been constructed closer, the adverse impact upon the roots of those trees and plants will have been greater and has also included cutting back canopies to the boundary line. It is not known whether there has been any damage caused and there is no meaningful mitigation which can now be introduced at this stage.

5.8 However the main concern was with regard to the Oak (T4 in the 2012 survey) but it is considered that it is sufficiently far back from the boundary to cope with any root loss. The conifers however are right on the boundary and appear to have lost about half their canopy and most likely a similar amount of their root system. There is a possibility that they could die in the next few years.

5.9 The arboriculturalist has advised that new hedge planting is conditioned, inside the site along that boundary, but has doubts whether there is now sufficient space given the position of the dwelling as constructed. The case officer's site visit observations would support this opinion. It is not therefore reasonably necessary to include such a condition in this case, as there is little chance a hedge in this location would establish itself, or there would be significant pressure for its removal in the future once it becomes a nuisance.

#### 5.10 Impacts on neighbouring residents

There has been a number of concerns raised, with particular issues relating to the loss of privacy that would be caused due to the proximity of the development to the party boundary from windows facing towards no's 3 Leys Road, as well the now raised 'ground floor' rear balcony and rear terrace.

5.11 The case officer's site visit suggests that these concerns are well founded. Whilst some 50m from the neighbouring buildings at no's 1 and 3 Leys Road,

due to the closer position to the boundary and with the views from ground floor windows and doors over the party boundary fence, it is agreed that there would be harmful overlooking into the private rear amenity space of no's 1 and 3 Leys Road.

5.12 However, the applicant has proposed privacy screens and obscure glazing to mitigate against this impact. Overall and on balance, it is considered that the mitigation measure proposed, would address the concerns raised and lead to an acceptable solution in this regard.

5.13 Whilst the obscure glazing would in some cases lead to a bedroom with no outlook, in the context of this particular case and when considering the other alternatives, it is considered the harm caused by this is outweighed by the remedial works proposed.

5.14 Subject to conditions to ensure that the proposed privacy screens and obscure glazing is installed before first occupation and retain in perpetuity, it is considered that the development is acceptable, and therefore complies with Policy D1 of the Milton Keynes Local Plan 2001-2011 and the aims of the NPPF.

#### 5.15 Ecology

Concern has been raised with regard to the pond on the site being filled in which previously contained Great Crested Newts. The officers site visit would appear to confirm that this has taken place.

5.16 Whilst it is noted that the previous planning permission included a S106 agreement for the maintenance of the pond as a habitat for Newts, this appears to be no longer required. It is not for the planning system to engage in or enforce any breaches of legislation which fall outside the planning system. The S106 agreement was in relation to separate planning consent, and any works carried out to fill in the pond occurred prior to this application being submitted.

#### 5.17 Conclusion

Based on the above assessment and subject to conditions outlined in section 6 of this report, it is considered that the development does not have a detrimental impact on the character and appearance of the Conservation Area or setting of Listed Buildings within the locality, and would not have an adverse impact on the amenity or privacy of neighbouring residents once occupied. It is therefore recommended that planning permission be granted.

## 6.0 CONDITIONS

1. The development hereby permitted shall be begun 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 51 of the Planning and Compulsory Purchase Act 2004. (D11)

2. The scheme for parking indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: to enable vehicles to draw off and park clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

3. No part of the development shall be brought into use until visibility splays have been provided on both sides of the access between a point 2metres along the centre line of the access measured from the edge of the carriageway and a point 33metres to the east and 19metres to the west along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 1m in height above the nearside channel level of the carriageway.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

4. The privacy screens shown on the approved plans shall be installed before first occupation of the development, and retained and maintained thereafter and shall not be removed or altered without the written permission of the Local Planning Authority.

Reason: To protect the privacy of adjoining residents.

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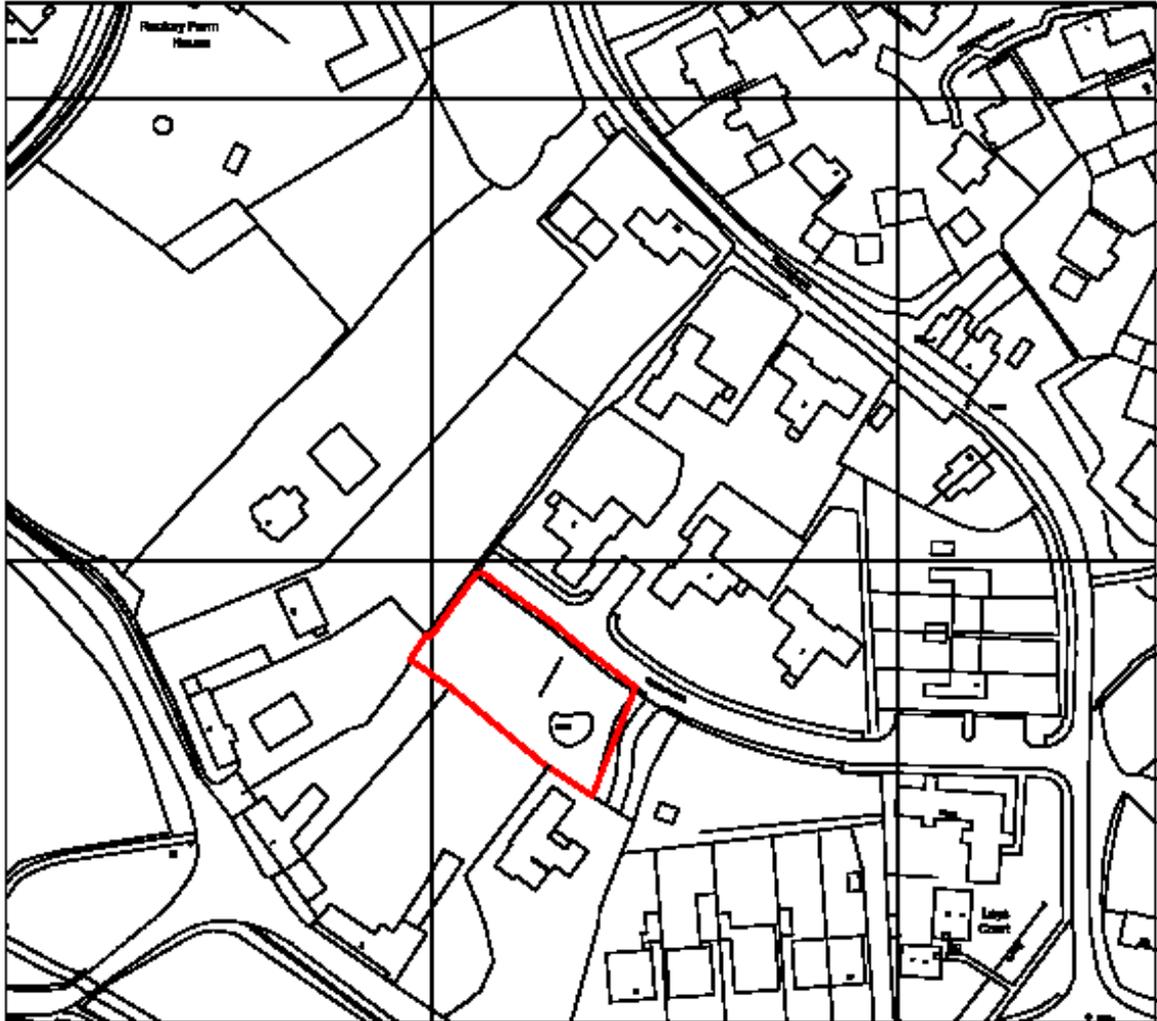
5. The windows shown on the approved plans to be obscurely glazed shall be installed before first occupation of the development and shall not be altered to clear glazing without the written permission of the Local Planning Authority.

Reason: To protect the privacy of adjoining residents.

6. Pursuant to the Town and Country Planning General Permitted Development Order 2015 or any Statutory Instrument revoking or re-enacting that Order, the provisions of Article 3(1) and Classes A, B, C,

D and E; of Part 1 of Schedule 2 to the said Order (relating to Householder Development) shall not apply to any dwelling to which this permission relates and no such development shall be carried out without the permission of the Local Planning Authority being first obtained.

Reason: To enable the Local Planning Authority to consider future development in the site with regards to the impact on neighbouring residents and on the setting of nearby listed buildings and the character and appearance of the Conservation Area in accordance with policies D1, HE5 and HE6 of the Milton Keynes Local Plan 2001 - 2011



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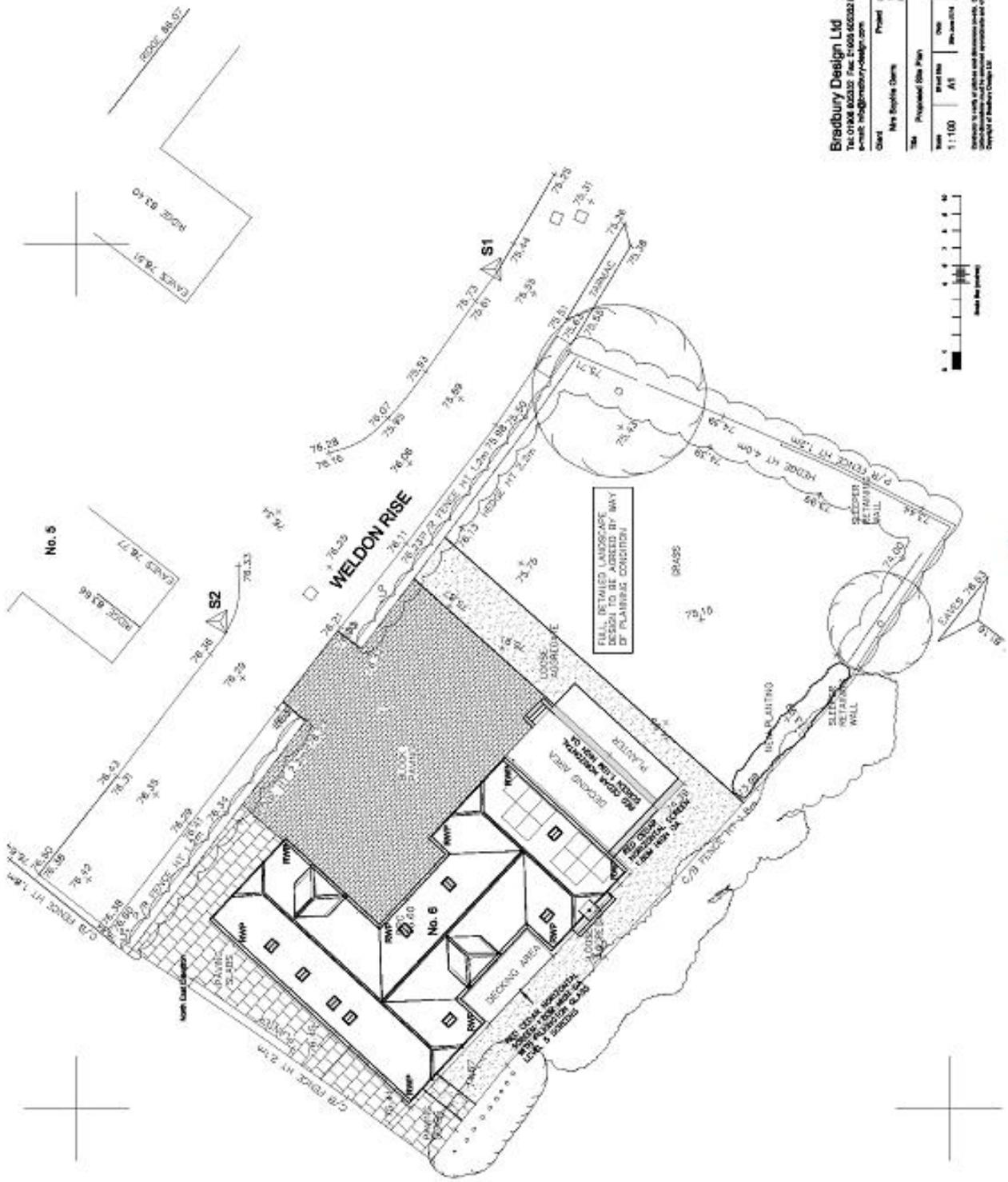
Tel: 01908 906332 Fax: 01908 906332 Mobile: 07879 079249  
 e-mail: info@bradbury-design.com

Client: Mrs Sophie Gwara Project: Land sell, No 6 & 8  
 Winton Place, Loughlin  
 Milton Keynes, MK9 2BW

Title: Site Location Plan

Scale	Sheet Size	Date	Drawing No.	Rev.
1:1250	A4	20th May 2018	Site Location	-

Contributor to verify all prices and dimensions on-site. Do not make from this drawing.  
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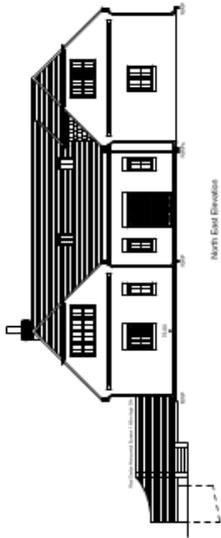
**Bradbury Design Ltd**  
 The Grove Studio, The Grove, Loughlinstown, Dublin 14  
 Email: info@bradburydesign.com

**Client:** Delighted dwelling on plot adjacent to 18 Weldon Rise, Loughlinstown, Dublin 14  
**Project Name:** Weldon Rise, Loughlinstown, Dublin 14

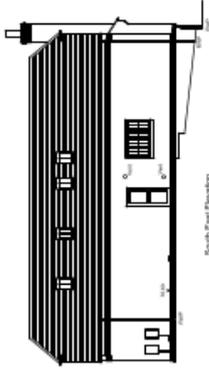
**Site:** Proposed Site Plan

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11/10/20	AT	AW	As Shown	401640	1

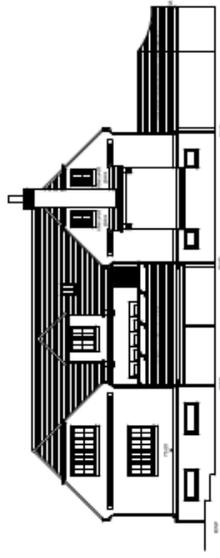
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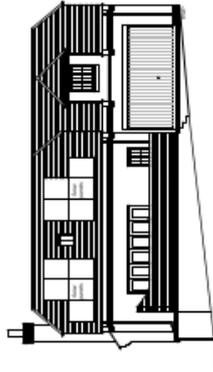
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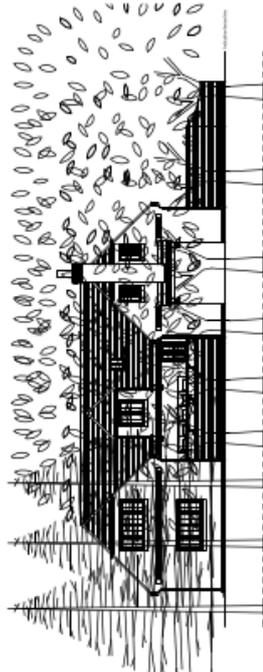
South East Elevation



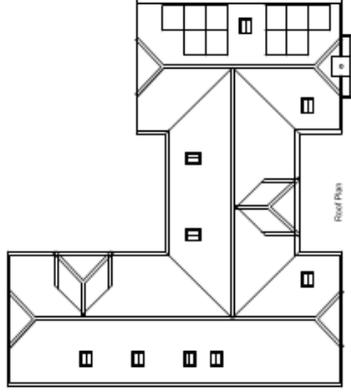
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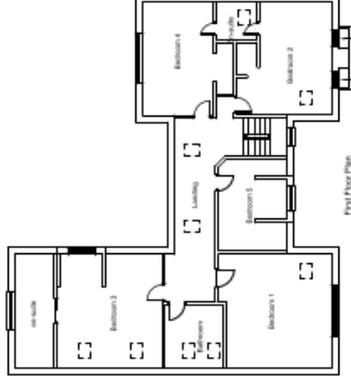
North West Elevation



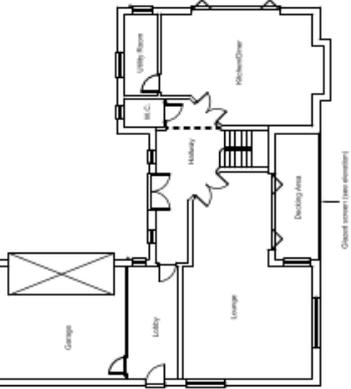
South West Elevation (with fence line and trees)



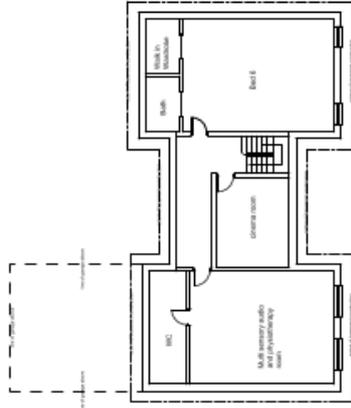
Roof Plan



First Floor Plan



Ground Floor Plan (elevated)



First Floor Plan



Scale Bar (metres)

Rev. C - 30th June 2015 - Note to R plan added  
 Rev. B - 29th June 2015 - Note to R plan added  
 Rev. A - 23rd May 2012 - notes and light well added near elevation

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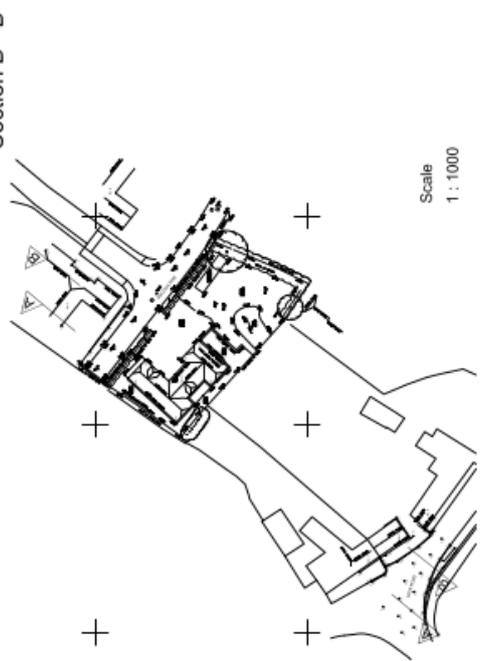
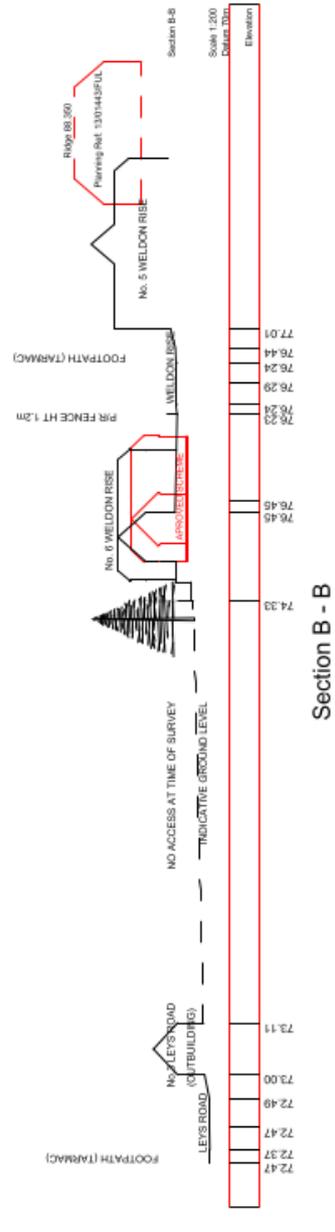
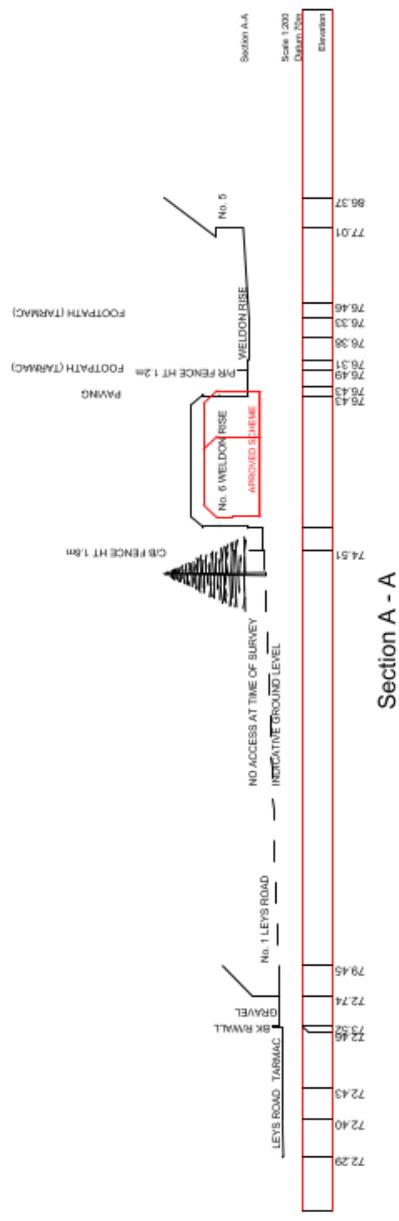
Tel: 01900 003332 Fax: 01900 003332 Mobile: 07970 076249  
 e-mail: info@bradbury-design.com

Client: Mrs Sophie Gaema  
 Project: Detached dwelling on plot adjacent to 8 Wealden Rise, Loughton Rise, Milton Keynes, MK9 5AT

Title: Proposed Dwelling - Plans and Elevations

Scale	Sheet Size	Date	Checked by	Rev.
1:100	A1	16th May 2015	4019301	C

Contractor to verify all pitches and dimensions on site. Do not scale from this drawing.  
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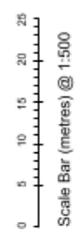


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e-mail: info@bradbury-design.com

**Client** Mrs Sophie Geira  
**Project** Detached dwelling on plot adjacent to 8 Weldon Rise, Loughton Rise, Milton Keynes, MK5 5AT

Title Proposed Dwelling - Site Sections			
Scale	Sheet Size	Date	Rev.
1 : 500	A3	29th June 2016	*
		Drawing No.	
		4019-51	



Contractor to verify all pitches and dimensions on site. Do not scale from this drawing. Listed dimensions must be assumed approximate and checked on site.  
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## **Appendix to 16/01821/FUL**

### **A1.0 RELEVANT PLANNING HISTORY**

*(A brief outline of previous planning decisions affecting the site – this may not include every planning application relating to this site, only those that have a bearing on this particular case)*

A1.1 06/02048/FUL

ERECTION OF ONE DETACHED DWELLING  
REF 01.02.2007

10/02034/FUL

Erection of a single dwelling  
NDET 04.04.2011

11/00788/FUL

Erection of a single dwelling (re-submission of 10/02034/FUL)  
PER 07.09.2011

12/00658/DISCON

Details submitted pursuant to discharge 6 (protective measures for trees)  
attached to application 11/00788/FUL  
DTSPLT 24.05.2012

12/01141/FUL

Construction of one detached house with basement area  
PER 26.10.2012

12/01929/FUL

Proposed temporary accommodation during the construction of a single  
dwelling under planning permission 11/00788/FUL  
WDN 30.10.2012

12/01948/DISCON

Details submitted pursuant to discharge of condition 5 (external materials)  
attached to application 11/00788/FUL  
DTAPP 01.11.2012

15/02573/DISCON

Details submitted pursuant to partial discharge of condition 5 (External  
materials - colour of windows) attached to planning permission 12/01141/FUL  
DTAPP 07.12.2015

16/02880/FUL

Temporary accommodation during the construction of a single dwelling under  
pending planning permission 16/01821/FUL and previous planning  
permission 12/01141/FUL for a maximum 12 month term  
Pending.

## **A2.0 ADDITIONAL MATTERS**

*(Matters which were also considered in producing the Recommendation)*

A2.1 None

### **A3.0 CONSULTATIONS AND REPRESENTATIONS**

*(Who has been consulted on the application and the responses received. The following are a brief description of the comments made. The full comments can be read via the Council's web site)*

#### **Comments**

#### **Officer Response**

##### **A3.1 Parish – Loughton**

Loughton & Great Holm Parish Council requests, that with the above planning application being extremely contentious, it is taken to the next meeting of the Development Control Panel for consideration. If the Officer recommendation is too refuse the application then the Parish Council would expect the sole condition to be that the building is demolished and built to the approved height and position.

The officer recommendation is to approve the application, and the assessment is in section 5 of this report. Conditions have been recommended in section 6 of the report to protect the amenity and privacy of neighbouring residents.

The Ward Councillor Cllr Andy Dransfield supports this action and will be speaking in opposition to this planning application.

##### **A3.2 Ward - Loughton And Shenley - Cllr Dransfield**

No representation received in addition to the statement above.

##### **A3.3 Ward - Loughton And Shenley - Cllr Clifton**

No representation received.

##### **A3.4 Councils Archaeologist**

No representation received.

A3.5 Ward - Loughton And Shenley - Cllr Nolan

No representation received.

A3.6 Environmental Health Manager

There are no Environmental Health observations.

A3.7 Landscape Architect

Noted.

New planting is proposed as part of the planning approval but is not detailed and should be conditioned. As the previous application dates back to 2012, I am unable to check what if any landscape proposals were approved under the previous approved scheme.

Noted. Landscaping issues are discussed in sections 5.7 to 5.10 of this report.

Photos contained within the submitted documents would indicate tree works have not been carried out to a good standard. Where tree works are identified and required it is important that the right contractor is chosen to carry out this specialist work, and that all tree work is carried out to BS 3998: 2010. I suggest that the tree officer is asked to comment on the application as tree conditions may be appropriate to remedy damage to existing trees and prevent further damage.

Landscape conditions were not included on the previous approval. It is not considered necessary or reasonable to request such details in the relation to the current submission.

A3.8 Landscape Services Manager - Trees

From an arboricultural point of view the key impact of the

development as constructed will have been on the trees and hedge plants along the southwest boundary. Having been constructed closer, the adverse impact upon the roots of those trees and plants will have been greater and has also included cutting back canopies to the boundary line. If any of these trees and plants goes into decline as a result, the screening function they provide will be reduced to a greater or lesser extent.

My prime concern was the Oak (T4 in the 2012 survey) but this in my opinion is sufficiently far back from the boundary that it will be able to cope with any root loss on the site. The conifers however are right on the boundary and appear to have lost about half their canopy and most likely a similar amount of their root system. These type of conifers are unable to produce new green shoots from their older wood, so at best the conifers will provide an ugly outlook from the new dwelling, though at worst they could die in a year or two and open up views of it.

I would advise new hedge planting is conditioned, inside the site along that boundary, but I do not think there is sufficient space given the position of the dwelling as constructed.

Noted. Landscaping issues are discussed in sections 5.7 to 5.10 of this report.

#### A3.9 **Local Residents**

The occupiers of the following properties were notified of the application:

- 8 Weldon Rise Loughton Milton Keynes
- 1 Weldon Rise Loughton Milton Keynes
- 1 Leys Road Loughton Milton Keynes
- 2A School Lane Loughton Milton Keynes

The Wheatsheaf 3 Leys Road Loughton  
2 School Lane Loughton Milton Keynes  
5 Weldon Rise Loughton Milton Keynes  
2 Weldon Rise Loughton Milton Keynes

Representations were received from the occupants of no's 3 Leys Road, and a representation was received from the Loughton Residents Association. The issues raised included:

- Loss of privacy to no. 3 Leys Road.
- Impact on the setting of no. 3 Leys Road – a Grade II Listed Building.
- The pond on the site which had Great Crested Newts has been filled in.
- Building is now three storeys instead of two.
- The dwelling has not been built in the correct position on the site according to the original approved planning drawings. This means that it is closer to the boundary with Salisbury House than was originally allowed for.
- The dwelling is built higher out of the ground than permitted in the earlier approved planning applications. Approval of the basement was dependent upon this.

Representations were received from the occupants of no. 2 Weldon Rise, in support of the application.

Noted.

The issues raised in relation to character and impacts on the setting of the Listed Building at no. 3 Leys Road have been discussed in section 5.1 to 5.6 of this report.

The issues raised in relation to impacts on neighbouring residents has been discussed in section 5.11 to 5.15 of this report.

The ecology issue raised have been discussed in section 5.16 and 5.17 of this report.

Noted.