

FULL PLANNING PERMISSION REFUSED

To: Mr William Tiley
10 Bernay Gardens
Bolbeck Park
Milton Keynes
MK15 8QD

Application no: 20/00927/FUL
Applicant: Zeb Clay
25 Jura Way
Newton Leys
Milton Keynes
MK3 5FT

Milton Keynes Council, under their powers provided by the above legislation, **Refuse Permission** for

Erection of two storey building to form 2No 2 bedroom flats (resubmission of 19/01380/FUL)

At: 77 Victoria Road Bletchley Milton Keynes MK2 2NZ

in accordance with your application, valid on 12th May 2020 and the following drawings:

Block Plan and Location Plan. Drawing: 19/185/23. Dated March 2019. Received on 15th April 2020

Proposed Elevations. Drawing: 19/185/21. Dated March 2019. Received on 15th April 2020

Proposed Plans. Drawing: 19/185/20. Dated March 2019. Received on 15th April 2020

Proposed Site Layout. Drawing: 19/185/22. Dated March 2019. Received on 15th April 2020

The reason(s) for refusing your application are:

(1) By virtue of the scale and massing of the proposed building within the close proximity of the neighbouring dwellings within Victoria Road, it is considered that the development would result in an unacceptable loss of light upon neighbouring dwellings, especially within ground floor habitable room windows. This would result in a development that was visually intrusive and imposing on neighbouring dwellings and it is therefore considered that the application is contrary to Policy D5 of Plan:MK (2019).

(2) Due to the excessive scale and proximity of the building proposed within the rear

street scene it is considered that the development would result in an incongruous layout which would detract from the existing character of the locality. Thereby contravening Policies D2 and D3 of Plan:MK (2019).

(3) Due to the layout and design of the site and building proposed the development would likely give rise to an increased perception of crime within the site which, as submitted would be harmful to future occupiers of the site and neighbouring dwellings. The development is therefore contrary to Paragraph 127 of the NPPF and Part 8 of Policy EH7 of Plan:MK (2019).

Working With the Applicant

In accordance with paragraph 38 of the National Planning Policy Framework Milton Keynes Council takes a positive and proactive approach to development proposals focused on solutions. Milton Keynes Council works with applicants/agents in a positive and proactive manner by: offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application; where possible suggesting solutions to secure a successful outcome; informing applicants/agents of any likely recommendation of refusal prior to a decision; and by adhering to the requirements of the Milton Keynes Council Corporate Plan and the Planning and Transport Service Plan.

In this instance the plans were valid as submitted, however due to design issues the proposal is considered contrary to policy. Prior to determination the Case Officer discussed the application with the agent where it was agreed that the application will be determined without delay.

Your attention is drawn to the attached notes



Handwritten signature of Jon Palmer in blue ink.

7th July 2020

Jon Palmer MRTPI – Head of Planning
For and on behalf of the Council

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990 (as amended).

If you want to appeal, then you must do so within six months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

You can appeal using a form that you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Customer Support Unit, Tel: 0117 372 6372. Appeal forms and guidance can also be downloaded from the Planning Inspectorate's website www.planning-inspectorate.gov.uk.

Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – <https://www.planningportal.co.uk/info/200207/appeals>. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local planning authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State for the Environment

Development Management,
Civic Offices, 1 Saxon Gate East, Central Milton Keynes MK9 3EJ
Planning Enquiries Direct Line (01908) 252358
MK Council Tel: (01908) 691691
www.milton-keynes.gov.uk

refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council, or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State appeal or reference of the application to him.

These circumstances are set out in section 114 and related provisions of the Town and Country Planning Act 1990 (as amended).