

## FULL PLANNING PERMISSION GRANTED

To: Mr M Virdee  
6 Fosters Lane  
Bradwell  
Milton Keynes  
MK13 9HD

**Application no: 19/01597/FUL**  
Applicant: Mr R Islam  
4 Penshurst Crescent  
Ashland  
Milton Keynes  
MK6 4AJ

Milton Keynes Council, under their powers provided by the above legislation, **Permit** the

**Garage conversion to granny annex (retrospective)**  
**At: 4 Penshurst Crescent Ashland Milton Keynes MK6 4AJ**

In accordance with your application, valid on 18th June 2019.

Approval is given subject to the condition(s) set out below. Some of the conditions may require further details to be provided **before the development commences**. The conditions need to be complied with for the permission to remain valid. If the conditions are not complied with, legal action can be taken against the developer and the land owner. The details required by the conditions, need to be submitted formally to the Council. Call the Planning Enquiries number at the bottom of the page or use the link [www.milton-keynes.gov.uk/publicaccess](http://www.milton-keynes.gov.uk/publicaccess) for further details.

### Conditions:

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

Received on 18.06.2019:

Drawing number 4PC/19/100

Reason: For the avoidance of doubt and in accordance with the requirements of The Town and Country Planning (General Development Procedure) (England) Order 2015.

( 2) Prior to the annexe being brought into use, the southwest facing window, serving

the bath/shower room, hereby permitted shall only be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining properties.

(3) Prior to the annexe being brought into use, the side door in the northeast elevation, as shown on the approved plans, shall be fully blocked up and shall thereafter retained in situ.

Reason: To prevent the building being used as a separate residential dwelling without a proper assessment of the impact of an independent dwelling on the character and appearance of the area, residential amenities, parking provision, highway safety and affordable housing provision, in accordance with the Development Plan policies.

(4) The annexe hereby permitted shall only be occupied by relatives of the occupier of the property currently known as 4 Penshurst Crescent. If and when such occupation is no longer required, the annexe hereby permitted shall only be occupied as ancillary accommodation for the main dwelling and shall not be occupied as an independent unit of accommodation.

Reason: Because the Council would not be prepared to permit the creation of a second unit of accommodation on this site without a proper assessment.

(5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no new fences, gates, walls or other means of enclosure shall be erected between the annexe and the main house (No.4 Penshurst Crescent) without the prior written approval of the Local Planning Authority.

To ensure that the annexe is not severed from the main dwelling to provide a self-contained dwelling unit and to allow the Local Planning Authority to retain control over the development in the interests of visual and residential amenity.

(6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no extensions or alterations including windows and doors, other than those shown on the plans hereby approved, shall be constructed or inserted at any time in the elevations or roofslopes of the annexe hereby permitted without the prior written approval of the Local Planning Authority.

Reason: To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers.

( 7) The development hereby approved shall be carried out in accordance with the materials specified on the approved plans and application form.

Reason: To ensure that the work complements the existing building and to ensure the development does not detract from the character and appearance of the area in accordance with Polices D1, D2, D3, D5 and SD1 of Plan:MK

### **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 application was acceptable as submitted and no further assistance was required.

### **Informative(s)**

( 1) Applicant is reminded that failure to comply with all the conditions attached to this permission could result in an enforcement action and an enforcement notice may also be issued.

( 2) Whilst it would appear from the application that the development is to be entirely within the application site, care should be taken to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over any adjoining property. It should be noted that this permission relates solely to works included within the application site.

( 3) The applicant is reminded that the granting of this householder planning permission by the Council (The Planning Authority) relates solely to the conversion of the garage building and does not authorise the right to access land not within the ownership of the applicant. Please be advised that consent may be needed to access privately owned land/private right of way.

( 4) The application is reminded that this approval extends only to the works detailed as part of this application. In the event that the works cannot be implemented without a greater degree of alteration, the applicant is advised to contact the Local Planning Authority in order to ascertain whether further consent might be required.

### **Building Regulations**

Please note that this is a planning permission only and you may also require approval under the Building Regulations. If you are in any doubt about this you can get further information via <https://www.milton-keynes.gov.uk/planning-and-building/building-control> or the Building Control Helpline Tel. (01908) 252721.

**Your attention is drawn to the attached notes**



A handwritten signature in blue ink, appearing to be 'JP', with a horizontal line extending to the right.

9th August 2019

**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 12 weeks 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](http://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, 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](http://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).

### **The Party Wall etc. Act 1996**

Anyone intending to carry out work described in the Act MUST give adjoining owners at least 2 months notice in writing of their intentions.

The Act covers:- (i) work to be carried out directly to an existing party wall or structure  
(ii) new building at or astride the boundary line between properties  
(iii) excavation within 3 or 6 metres of a neighbouring building or structure, depending on

the depth of the hole or foundations

If you are not sure whether the Act applies to work that you are planning, you should seek professional advice. A free explanatory booklet is available from ODPM Free Literature, PO Box 236, Wetherby, West Yorkshire, LS23 7BN. Tel 0870 1226236 e-mail [odpm@twoten.press.net](mailto:odpm@twoten.press.net)