



# Appeal Decision

Site visit made on 15 February 2010

by **Martin Whitehead LLB BSc(Hons)**  
CEng MICE

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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**Decision date:**  
**26 February 2010**

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## Appeal Ref: APP/Y0435/A/09/2105470

### Sandy Mount, Station Road, Woburn Sands, Milton Keynes MK17 8RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Milton Manor Partnership against the decision of Milton Keynes Council.
- The application Ref 08/02002/FUL, dated 1 December 2008, was refused by notice dated 25 February 2009.
- The development proposed is conversion of and extension to existing premises to provide additional 62 bed care unit extension to Burlington Hall Nursing Home (Use Class C2), comprising 9 two bedroom supported living apartments, 41 one bedroom supported living apartments, 12 nursing care bedrooms, communal facilities, link to existing care home, parking, landscaping and associated works.

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## Decision

1. I dismiss the appeal.

## Procedural and Preliminary Matters

2. The above description has been changed from '*independent living suites*', given on the application, to '*supported living apartments*', as agreed by the appellant. This amended description more accurately reflects the proposed development.
3. The appellant has submitted a signed and dated S106 Unilateral Undertaking, which would secure contributions that have been agreed with the Council towards the library, crematorium and burial grounds, museums and archives, health facilities, emergency services, swimming pool, allotments, public art, public transport and carbon offset. I have given it significant weight as, without it, the proposal would not comply with policies in the Milton Keynes Local Plan 2001-2011 (LP) and permission should not be granted.

## Main issues

4. The effect of the proposal on the character and appearance of Woburn Sands Conservation Area; and the living conditions of the residents of Burlington Hall Nursing Home and future occupants of the proposed development, with particular regard to matters of privacy and outlook.

## Reasons

### *Character and Appearance*

5. The appeal site includes a substantial mature building set in generous landscaped grounds, with a number of large trees, fronting Station Road. It is located within Woburn Sands Conservation Area. The Character Statement
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places an importance on the predominance of trees within the town in providing a sense of place and unity. The mature trees on the appeal site make a significant contribution to this sylvan character and appearance.

6. There is a large gap in the built frontage along Station Road between the existing building on the site and the adjacent building to the south, known as Burlington Hall. This spacing is not characteristic of the area, as no other buildings have such a wide gap between them, and it is not noted in the Character Statement as an important feature within the Conservation Area. The large area of landscaping within this space is not very apparent in the street scene, due to the dense planting at the front and the site falling away from the road.
7. The proposed extension would be set well back from the road and would be split into 2 blocks. Block A would be joined to the rear of the existing building and Block B would be to the south. The 2 blocks would be joined together by a discrete fully glazed single storey element towards the back of the site. A similar element, but further forward, would provide a link to Burlington Hall. The extension would abut 3 sides of a landscaped courtyard, and the open side of the courtyard would provide a generous gap between Block B and the existing building. This design and layout would make Block B appear as a separate building when viewed from Station Road.
8. Most of the mature trees on the site would be retained, and I am satisfied that they would be adequately protected during construction by a planning condition. Therefore, the bulk of the extension would be broken up by the dense vegetation along the front of the site. The design and detailing of the front elevation of the extension, which would be 2 storey with a pitched roof and high ground floor windows, would be appropriate for the area and would respect the varied appearance of other buildings nearby, including the existing building on the site. It would not appear out of scale with the adjacent buildings and, due to the apparent gap, would not add to the bulk, or detract from the appearance, of the existing building.
9. Taking the above into account, the proposed development would be in keeping with the spacing and scale of buildings that are visible along that side of Station Road, and would retain the sylvan appearance of the site. Therefore, it would preserve the character and appearance of that part of the Conservation Area. Also, it would accord with LP Policy HE6 in this respect.

### ***Living Conditions***

10. The proposed building would extend for a significant length along the south side of the site. It would rise to 3 storeys high along this elevation, much of which would face the side elevation of Burlington Hall that is mainly 2 storeys high. The proposed windows to bedrooms would directly face windows in the adjacent building and would be about 10m away at their closest point. The Council has suggested that this would be substantially below its minimum separation distances of 21m required for privacy.
11. Although there is a 1.8m high boundary fence, and trees and shrubs near to the boundary, at the site visit I observed that many of the adjacent windows can be seen from the appeal site. I am concerned that, due to the closeness of facing windows, there would be unacceptable overlooking of the occupants of

Burlington Hall and future occupants of the proposed development. Residents should be given a reasonable level of privacy within their bedrooms. The boundary planting that would be required to ensure that this level of privacy would be achieved would seriously harm the amount of natural light within a significant number of habitable rooms in Burlington Hall, the windows of which are close to the boundary.

12. The substantial length and height of the south elevation, much of which would be about 8m away from the boundary with Burlington Hall, would provide an oppressive view to the residents of that adjacent property. The existing and proposed planting and glazed sections of the extension would not be sufficient to relieve the views of this expanse of built development. As such, the proposal would cause significant harm to the outlook from Burlington Hall.
13. I conclude on this issue that the proposal would have an unacceptable harmful effect on the living conditions of the residents of Burlington Hall Nursing Home and would provide unsatisfactory living conditions for future occupants of the proposed development. Also, it would fail to accord with LP Policy D1 due to the resulting visual intrusion and loss of privacy.

### **Overall Conclusions**

14. For the reasons given above, I have found that the proposal would preserve the character and appearance of Woburn Sands Conservation Area. However, the harm that it would cause to the living conditions of the residents of Burlington Hall Nursing Home and the unacceptable living conditions that it would provide for future occupants of the proposed development provide compelling reasons on their own why planning permission should not be granted. Therefore, having regard to all matters raised, I conclude that the appeal should fail.

*M J Whitehead*

INSPECTOR