



Appeal Decision

Site visit made on 26 January 2024

by S. Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 07 February 2024

Appeal Ref: APP/W2845/W/3322457

68 Banbury Road, Brackley, West Northamptonshire NN13 6AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Mike Hollands (Boundstone Developments Ltd) the decision of West Northamptonshire Council.
 - The application Ref WNS/2022/2081/OUT, dated 28 October 2022 was refused by notice dated 21 March 2023.
 - The development proposed is an outline application for (access and layout) erection of three new 4-bed detached dwellings, detached car port for No. 68 and associated landscaping works, removal of the west gable to No. 68, and associated alterations and removal of four trees.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application is submitted in outline with only access and layout details applied for at this stage.
3. The National Planning Policy Framework 2023 (the Framework) was amended on 19 December 2023. The amendments made did not have a material bearing upon the main issues in this appeal, and it was therefore not necessary to seek comments from the main parties upon it. Where I have referred to the Framework, it is that of the December 2023 version.

Main Issues

4. The main issues are the effect of the development upon (i) the character and appearance of the area and (ii) biodiversity.

Reasons

Character and appearance

5. The appeal site relates to land to the rear of No. 68 Banbury Road which is a detached dwellinghouse. The land is 'L' shaped and about 0.34 of a hectare. It slopes down towards a dismantled railway and includes some trees and vegetation and partly wraps around the rear gardens of Nos. 64a and 66

Banbury Road. It is proposed to erect three new detached dwellings and to undertake alterations to No. 68 Banbury Road. A common access road for all four dwellinghouses would be formed from Banbury Road.

6. The house types on this side of Banbury Road vary in style and appearance. While the dwellinghouses are not positioned in exactly the same linear position, to the passer-by the street-scene is nonetheless appreciated as having a linear form of residential development. This is also how one experiences the land to the rear in so far that most of the buildings are positioned close to Banbury Road and set within very spacious plots including mature landscaping. While there is the odd exception, the residents appreciate the rear of properties on Banbury Road as being predominantly open and undeveloped, adding positively and distinctively to the character and appearance of the area.
7. In the context of the above, the three detached dwellinghouses, long access road and car port for No. 68 Banbury Road, would collectively and unacceptably erode the otherwise spacious and undeveloped character of the tract of land between Banbury Road and the dismantled railway line. This would be to the detriment of the character and appearance of the area. While it is likely that only glimpses of the dwellinghouses would be possible from Banbury Road, such as from the access road, the harm would nonetheless be very noticeable when viewed from the rear of existing dwellinghouses, including from gardens. In any event, I do not find that limited views of the development from public vantage points obviates the need to achieve good design. Indeed, paragraph 131 of the Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
8. For the reasons outlined above, I conclude that when the proposal is considered as a whole, it would cause significant harm to the character and appearance of the area. Therefore, it would not accord with the design and character requirements of policy GS4 (1a) and LH1 of the Council's Local Plan Part 2 (LLP2), the Council's adopted District Design Guide and chapter 12 of the Framework.
9. In reaching the above conclusion, I have considered the examples of development behind existing buildings referred to by the appellant, but these examples are either away from the appeal site or are not directly analogous as they are not on the same scale (e.g. 120a Banbury Road), or are positioned within different environmental conditions. While there is the odd exception to the norm in terms of back land or tandem development in the wider area, and one or two plots that are narrower than the vast majority of others (e.g., Nos. 60 and 105 Banbury Road), I have considered this appeal on the characteristics of the immediate area when considered as a whole.

Biodiversity

10. As part of the outline planning application, the appellant submitted a Preliminary Ecological Appraisal (PEA) by MKA Ecology. While the PEA is acceptable, it nonetheless recommends that further surveys be carried out in respect of bats and great crested newts. I consider that there is a reasonable likelihood of protected species being affected by the development.
11. The appellant considers that it would be possible to condition the requirement for these surveys to be carried out. He considers it was not possible for him to

have done that so far due to the time of year required for surveys to be undertaken.

12. Notwithstanding the above, it is necessary that protected species surveys are carried out as part of the consideration of this outline planning application and before planning permission is granted. This is indeed stated in Circular 06/2005. This approach is necessary as it would determine whether it would be possible, in principle, to approve planning permission in the knowledge that either the development would not cause harm to protected species, or that appropriate mitigation could be put in place to ensure that protected species were not harmed.
13. In the absence of protected species surveys, I conclude that the proposal would not accord with the biodiversity requirements of policy BN2 of the Council's Joint Core Strategy Local Plan Part 1 2014, policy SS2(1P) of the LPP2, chapter 15 of the Framework and Circular 06/2005.

Other Considerations

14. The development would contribute positively to the supply and mix of houses in the area. Furthermore, there would be economic benefits associated with the construction of the dwellinghouses and from their occupation. However, these benefits are modest in weight and do not outweigh the harm caused in respect of my conclusions on the main issues.

Conclusion

15. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

S. Hartley

INSPECTOR