



Appeal Decision

Site visit made on 3 February 2025

by **Les Greenwood MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25th February 2025

Appeal Ref: APP/W2845/W/24/3354483

Churchwood, 47 Sywell Road, Overstone, West Northamptonshire NN6 0AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Allen against the decision of West Northamptonshire Council.
 - The application Ref is 2024/0605/OUT.
 - The development proposed is a detached bungalow.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. A revised version of the National Planning Policy Framework was published on 12 December 2024, with minor updates on 7 February 2025, all during the course of this appeal. Both main parties have had an opportunity to comment on these changes.
3. The application was made in outline, with all matters of detail reserved for later determination.

Main Issues

4. The main issues are the effects of the proposal on:
 - i) The character and appearance of the village and the setting of nearby listed buildings;
 - ii) Living conditions at 47 and 49 Sywell Road and other neighbouring properties, in terms of potential disturbance from vehicles accessing the site; and
 - iii) Biodiversity.

Reasons

Character and appearance

5. Overstone is an attractive rural village with a distinctive linear form, with houses lining both sides of Sywell Road and occasional areas of development in depth. No 47 is a large detached house with an extensive, L-shaped garden that stretches well back from the street. The appeal proposal is to build a bungalow on an open section of grass, at the far end of the garden from the house, in the foot of the

- L-shape and behind the rear gardens of 49 to 55 Sywell Road. The Council's main concern is that building a dwelling here would not preserve Overstone's linear form.
6. A previous proposal for a bungalow in much the same location was turned down at appeal in 2003¹. That Inspector found that the bungalow would affect the character of this largely linear settlement. He also considered that the appeal site was visually more closely associated with open parkland to the north than with the buildings fronting Sywell Road, so that it appeared to be outside of the village. That particular situation has changed over the years, with boundary landscaping and the operation of an equestrian business to the rear. The Council now considers that the site falls within the confines of the village and I agree. This change affects the overall assessment, removing a previous concern.
 7. Another significantly changed circumstance, however, is the adoption of the Overstone Neighbourhood Development Plan 2019-2029 (NDP), which is now part of the development plan for the area. NDP Policy 6 emphasises that developments must preserve and maintain Overstone's distinct and historical linear character. Any further areas of development in depth, as is proposed here, must be considered in light of that policy.
 8. The proposed bungalow would sit within an open area well to the rear of the frontage housing. Although within the confines of the village, it would stretch built development and primary residential use into this new area, in basic conflict with the village's linear character.
 9. The appeal site is close to a small lane, Church Walk, which runs perpendicular to Sywell Road and leads across fields to the grade II listed Church. There is an outbuilding near to the site, accessed via Church Walk, but that is a modestly sized ancillary building as might be expected in a back garden. There is also a knot of houses to the other side of Church Walk, behind the Sywell Road frontage. These are set away from the appeal site, forming a visually distinct area of development. The proposal would create a new area of backland development rather than forming a coherent group with these existing buildings.
 10. The visual impact of a bungalow here could be fairly limited, depending on its position, size and height and landscaping. Trees and hedges could screen and filter many potential public views and the row of houses on Sywell Road would block any views from that street. The site access is already in place and its use for the bungalow would make no significant difference to its appearance. The bungalow with its associated residential activity and paraphernalia would, however, be visible at least in glimpsed views from Church Walk and would be clearly apparent from neighbouring houses. It would therefore be a noticeable change to the form of the village in this area.
 11. There are listed buildings nearby – the village church to the rear and a house at the junction of Sywell Road and Church Walk. The proposed bungalow would be well away from both of these buildings and screened by intervening features, so that it would not have any significant effect on their settings.
 12. Although I find no harm to the settings of the listed buildings, I do find significant harm to the character and appearance of the village. The proposal therefore conflicts with policies S10, H1 and R1 of the West Northamptonshire Joint Core

¹ APP/Y2810/A/03/1113695

Strategy Local Plan Part 1 (LPP1), policies SP1, RA3 and ENV10 of the Settlements and Countryside Local Plan Part 2 (LPP2), policy 6 of the NDP and the Framework, which aim to secure high quality development that protects, conserves and enhances the built environment.

Living conditions

13. The existing/proposed access drive runs between 47 and 49 Sywell Road, separated from No 47 by a timber fence and hedge and from the house and main garden at 49 by a new brick wall. The brick wall should protect No 49 from the main noise caused by vehicles using the drive, to a reasonable extent.
14. The side windows and back garden of No 47 would be more affected by noise, but this should also be reasonably limited. The existing fence and the set back of the house from the side boundary would help to mitigate noise disturbance. No 47 sits on the main route through the village so is already subject to a degree of traffic noise. The additional noise from the infrequent vehicular comings and goings associated with a single dwelling would be inconsequential within this context. The site layout could, furthermore, be arranged so that vehicle parking and manoeuvring areas are set away from the boundaries with neighbouring properties.
15. I note that the previous Inspector came to a different conclusion on this matter in 2003, saying that noise from vehicles passing up and down the drive would be clearly noticeable and harmful to the amenity of occupiers of No 47. I do not know the full details circumstances of that earlier proposal. My assessment here is made on the basis of the current situation.
16. Overlooking and other potential impacts on neighbours could be addressed by design and landscaping. I conclude that the proposal would not significantly affect living conditions at 47 or 49 Sywell Road or other neighbouring properties. It accords in this respect with LPP1 policies R1 and BN9, LPP2 policies RA3 and ENV10 and NDP policy 6, which aim to protect the amenity of existing residents including in terms of any adverse impacts of noise.

Biodiversity

17. The section of garden land where the bungalow is proposed is rough grass of a much different quality to the close mown grass of the lawn to the rear of the house, being more akin to pasture than suburban garden. The site is fringed by hedges and trees, with open countryside beyond to the north. Although the site is not within an identified wildlife site, I agree with the Council's view that it may provide habitat for a range of protected species.
18. The Government's Planning Practice Guidance refers to the duty on all public authorities to further the purpose of conserving biodiversity. It advises that an ecological survey will be necessary in advance of a planning application if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate. The appellant has not submitted any expert evidence in relation to this issue. In the absence of any ecological survey and mitigation strategy for this development, the proposed development might harm protected species or their habitats. There would furthermore be no sound basis for assessing the biodiversity enhancements required by LPP1 policy BN2 and LPP2 policy ENV5.

19. I recognise that there would be space within the site for some new landscape planting and biodiversity enhancements. I nevertheless conclude that it has not been adequately demonstrated that the proposal would not harm, and would enhance, biodiversity. It therefore conflicts with the above-mentioned policies.

Other matters

20. I take the other points raised by the Parish Council and local residents into account. In particular, I do not consider that traffic from one additional dwelling would materially affect traffic congestion or highway safety. I note that a large scale housing development is underway on land to the southwest of the village and that the Council currently shows more than the required 5 year supply of deliverable housing sites. I have seen no evidence of an overriding need for this particular development. It would nevertheless contribute in a small way towards the Government's aim of boosting the supply of homes, which weighs in its favour.
21. I also take into account a Lawful Development Certificate that has been granted for the construction of a large domestic outbuilding on the appeal site, as part of the residential use of No 49. That alternative development could go ahead in any case, establishing built development on the appeal site. It would, however, be different in use and character so I give it only limited weight as a fall-back position.

Conclusion

22. Although I find in favour of the appellant on 1 of the 3 main issues, my concerns in relation to the others are sufficiently compelling for me to conclude that the proposal conflicts with the development plan, taken as a whole. In line with the requirements of Section 38(6) of the Planning and Compensation Act 2004, determinations like this must be made in accordance with the development plan unless material considerations indicate otherwise. I find no such overriding considerations. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR