



Appeal Decision

Site visit made on 22 July 2025

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 July 2025

Appeal Ref: APP/W2845/W/25/3361373

36 Lindisfarne Way, Northampton, West Northamptonshire, NN4 0WJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Smith against the decision of West Northamptonshire Council.
 - The application Ref is 2024/3955/FULL.
 - The development proposed is construction of a new detached 3 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) the effect of the development on the character and appearance of the area; ii) the loss of garden space for occupiers of the existing dwelling; iii) the effect on protected species; and iv) the achievement of a 10% Biodiversity Net Gain.

Reasons

Character and appearance

3. The appeal site comprises the enclosed large side garden to No.36 Lindisfarne Way, a modern end of terrace, two-storey, back-to-back house, with adjoining No.34 being directly behind it and accessed from the side. Parking for Nos.34 and 36 is to the side of the building, with No.34 benefiting from the garden directly behind it. The site is located at the end of a cul-de-sac, within a residential housing estate comprising a mixture of two-storey detached, semi-detached and small blocks of 3 or 4 terraced houses of varying designs and roof forms, which complement each other through the use of matching materials and features. There are offices and portacabins to the rear and side of the site, which are separated visually by a belt of mature trees.
4. Trees on the adjacent land to the side and rear of the site, which are outside of the appellant's ownership and control, make a positive contribution to the character and appearance of the area. Furthermore, the group of trees to the east, are protected by a Tree Preservation Order (TPO). The Council refer to trees visible on historical images having been removed from the site and this was evident from my visit. However, these do not appear to have been covered by the TPO, and I have not been advised that they were protected by any planning conditions.
5. An Arboricultural Survey was submitted with the application, which shows that part of the proposed dwelling and its car parking area would be within the root protection area (RPA) of a protected tree. It is proposed to mitigate this conflict by

using no dig methodology for the hardstanding area. The report advises that piled footings are not appropriate but that the small area of excavation required for the part of the house within the RPA would not be detrimental to the tree. However, I see no justification for this risk, given that a smaller dwelling could be accommodated on the site without encroaching into the RPA of the third party owned and protected tree.

6. I acknowledge that habitable rooms in the new dwelling would comply with relevant standards for daylight and sunlight. However, the trees to the east would be likely to cause some overshadowing of the rear garden in the morning, and in the afternoon, the rear garden would be partially overshadowed by the new house, which would be to the south of it. The partial overshadowing of the garden from trees, together with the dropping of leaves and debris onto the garden immediately to the rear of the house, into gutters and onto the driveway and cars, could result in pressure to keep cutting these back, which could affect their long-term health and visual contribution to the area. Siting the dwelling further from the trees would reduce such risks.
7. The dwelling itself would be similar in appearance to neighbouring properties and its siting would respect the pattern of development in the area, which is somewhat irregular. Given the mix of house types across the estate and the location of the site at the end of the road, the principle of locating a detached house adjacent to and opposite small blocks of terraced houses, that are not uniformed in terms of siting and appearance, would not necessarily be unacceptable or harmful.
8. However, the proposal before me shows the existing tarmac parking area for Nos. 34 and 36 reduced in width, and the new dwelling wrapped around this area, resulting in the parking space for No.36 being in front of part of the large single storey bicycle store attached to the side of the new dwelling. This arrangement could result in bikes and bins being taken over third-party land, past or in-between cars belonging to occupiers of Nos.34 and 36, potentially causing damage. Walking all the way around the new dwelling with bicycles and bins would be inconvenient for occupiers. A smaller detached bicycle/bin store, not requiring foundations, could be located elsewhere in the garden without harming tree roots. The new dwelling would be close to the footpath, and the plans fail to demonstrate where waste bins for Nos.34, 36 and the new dwelling would be stored, without obstructing vehicles entering and leaving the reduced parking area and without obstructing the pedestrian access to No.34. As the front garden of No.36 is raised and accessed by several steps, this would not be easily accessible with wheeled bins. Overall, the site and retained parking area for the existing dwellings would appear cluttered and cramped.
9. I therefore conclude that the development, due to the scale of the dwelling and the layout of the site, would appear cramped, and would put the future of neighbouring protected trees at risk, thus resulting in an adverse effect on the character and appearance of the area. This would be contrary to policy Q1 of the Northampton Local Plan Part 2 (2023) (LP2) and paragraph 135 of the National Planning Policy Framework (the Framework), which amongst other things seek to ensure developments are of high-quality design, which protect and enhance natural environment assets and are sympathetic to local character, including the surrounding landscape setting.

10. However, I find no conflict with policy H1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (2014) (JCS), which seeks to provide a mix of house types, sizes and tenures and to make the most efficient use of land.

Loss of garden space

11. The proposal would result in the loss of private enclosed garden space for the occupiers of No.36. Whilst the existing garden is disproportionate to the size of the one bedroom dwelling, which is unlikely to be occupied by families with children, the front garden is open plan and would not provide any private enclosed space for sitting out in, drying washing, letting pets out, or for storing bins or bicycles, as referred to in the supporting text to policy Q2 of the LP2. I note that at present there is a storage shed in the garden for use by the occupiers of No.36, providing additional secure storage space, which would be unlikely to obtain planning permission to be sited in front of the house. Furthermore, the Council state that the nearest public open spaces are a 20 to 30 minute walk away, which the appellant has not disputed. It is not apparent from the information before me, why the large bicycle store for the new dwelling could not be removed and a strip of enclosed rear garden retained for the occupiers of No.36, adjoining the parking space retained for this property.
12. I therefore conclude that the proposal, due to the loss of private enclosed outdoor space for the occupiers of No.36, would be contrary to policy Q2 of the LP2 and paragraph 135 of the Framework, which amongst other things seek to create and protect high standards of amenity for existing and future users. However, I find no conflict with policy Q1 of LP2 in relation to the loss of private amenity space.

Protected Species

13. Ecological surveys should only be required where justified, by for example a clear likelihood of a protected species being present and affected by the development. Whilst I note there are mature trees to the side and rear of the site, this is not a sufficient reason to suggest that there are protected species present on the site, or nearby, which would be affected by the development. The site comprises short mown grass and hardstanding. At the time of my visit two vans were parked on the site, and a small area was being used to store building materials and equipment. No buildings, other than a small shed, or trees would be removed and there are no ponds on site, or near the site that have been brought to my attention. The site is in a built-up area, and I have not been provided with any evidence or records of any protected species that are known to be present in the area. Any ecological interest is therefore likely to be limited to common garden species such as birds, invertebrates and small mammals. There is nothing to suggest a reasonable likelihood of any protected species.
14. I therefore conclude that the proposal would not be likely to result in any adverse effects on any protected species and there would be no conflict with policy BN2 of the JCS, policy ENV3 of the LP2, Circular 06/2005, the Framework or Natural England Standing Advice, which seek to ensure that development that has the potential to harm sites of ecological importance are subject to an ecological assessment.

Biodiversity Net Gain (BNG)

15. The proposal would result in the loss of lawned garden area of low value. There is evidence that trees have recently been removed from the site, albeit I do not know when this occurred or why. No proposed landscaping details or on site BNG enhancements have been proposed as part of the application or appeal, but on site BNG would in any event be very difficult to enforce the management and monitoring of as retained habitat over a 30-year period.
16. Given that the application was submitted after 2nd April 2024, it should not have been validated without the biodiversity information required. A BNG report was submitted with the appeal although the BNG Metric spreadsheet referred to was not attached. As I am dismissing the appeal anyway, I did not request this. Nevertheless, the report identifies the baseline and lost habitat units and sets out how the 10% net gain could be secured off site. Given the inability to provide enforceable on site BNG, I see no reason why off-site provisions would not be appropriate.
17. The Council has not made any comments on the BNG report submitted with the appeal. Had I been allowing the appeal, this like every planning permission granted for the development of land in England, would be deemed to be subject to the condition that the development may not be begun unless a biodiversity gain plan has been submitted to and approved by the planning authority. The requirements of such plans are set out in Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Whilst it is good practice to secure offsite provisions through a planning obligation to be submitted at application stage, it does not appear that the appellant had been previously made aware of this requirement. Under these circumstances, a mechanism to secure this could potentially have been submitted to discharge the statutory condition, prior to the commencement of development.
18. I therefore conclude that although the proposal would not deliver a 10% BNG on site, this is not an essential requirement, and the 10% BNG could have been delivered off-site, subject to agreement with a relevant offsite provider being secured, or evidence of the relevant credits having been purchased, submitted to discharge the pre-commencement condition. The proposal would therefore accord with policy BN2 of the JCS, policy ENV3 of the LP2 and the Framework.

Planning Balance

19. The Council's report suggests that it cannot demonstrate a five-year supply of housing land, with the supply as of July 2024 being 3.10 years. As a result of this, the most important policies for determining this appeal should be considered out-of-date for the purposes of paragraph 11d of the Framework, and planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
20. The proposal would deliver some social benefits in terms of providing an additional dwelling in a sustainable location, some limited economic benefits from the construction phase and expenditure by the future occupiers and would make more efficient use of the land. These benefits would however be very modest.

21. Set against this, for reasons I have already explained, the proposal would fail to respect the character and appearance of the area, and natural features contributing to this, or to protect the amenity of occupiers of No.36.
22. When assessed against the policies in the Framework taken as a whole, I consider that the harm I have identified would significantly and demonstrably outweigh the modest benefits of one dwelling.

Conclusion

23. For the reasons given above, and having considered all matters raised, I conclude that the proposal conflicts with the development plan taken as a whole and there are no material considerations of sufficient weight, including the Framework, which outweigh this finding. The appeal is therefore dismissed.

R Bartlett

INSPECTOR