



Appeal Decision

Site visit made on 14 October 2025

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 October 2025

Appeal Ref: APP/W2845/W/25/3367874

37 Eastfield Road, Brixworth, West Northamptonshire NN6 9ED

- 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 Gerald Bailey against the decision of West Northamptonshire Council.
 - The application Ref is 2025/0705/FULL.
 - The development proposed is erection of 2 No. self-build two storey detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Unilateral Undertaking (UU) was submitted during the course of the appeal which seeks to secure the proposal as a self-build dwelling. I will return to this matter later in my decision. The appellant also provided copies of recent appeal decisions during the appeal process. Given that they are located within the Council's administrative area, I see no prejudice towards accepting these decisions and I have therefore had regard to them.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area;
 - Whether the proposed development would provide satisfactory living conditions for future occupiers, with regard to the provision of private amenity space; and
 - The effect of the proposed development on landscape features.

Reasons

Character and appearance

4. The appeal site comprises the rear garden of 37 Eastfield Road (no. 37). The surrounding area is characterised by residential dwellings. There is a footpath to the side of the site and Ashway Park to the rear.
5. This section of Eastfield Road is primarily characterised by semi-detached bungalows. To the opposite end of Eastfield Road are two-storey semi-detached dwellings. On this side of Eastfield Road dwellings are marginally set back from the highway, have long rear gardens and are generally separated by driveways. This results in a regular streetscene. In contrast, no. 37 is detached, has a greater set

back from the highway and is larger than other dwellings within Eastfield Road. Nonetheless, no. 37's siting, scale and massing respects the area.

6. The proposed development would not be conspicuous when viewed from Eastfield Road or the adjacent footpath due to the set back from the highway and existing mature hedging. However, the development would be apparent from Ashway Park due to the dwellings siting, height, scale and massing as well as the proposed removal of trees and proposed alterations to the trees. Dwellings are not prominent when looking towards Eastfield Road from the park, as a result of the generous sized rear gardens, and instead trees and hedgerows are the predominant feature when looking in this direction.
7. The proposed dwellings would occupy a large proportion of the site and would have limited gaps to particularly the side boundary hedge and between the dwellings. The remaining site area would be predominantly for access, parking and vehicle turning with small rear gardens. The scale and massing of the proposed dwellings in relation to the size of the appeal site would be out of keeping with the established character and appearance of the area. The plot sizes would appear cramped in the context of the surrounding area which, as previously described, is characterised by generous sized rear gardens and regular streetscene. Thus, the development would not be sympathetic to local character which would be evident from Ashway Park.
8. For these reasons, the proposed development would not be in harmony with its surroundings and would cause harm to the character and appearance of the surrounding area. It would therefore conflict with Policies R1 and H1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (2014) (WNJCS), Policies RA1 and ENV10 of the Daventry District Council's settlements and Countryside Local Plan (Part 2) for Daventry District 2011-2029 (2020) (LPP2), and Policy 1 of the Brixworth Neighbourhood Development Plan 2011-2029 (2021) (NDP). These collectively seek, amongst other things, to ensure residential development is in harmony with its surroundings in terms of scale, density, massing, height, layout and design.
9. The proposal would also conflict with paragraph 135 of the National Planning Policy Framework (the Framework) which states that developments should be sympathetic to local character.

Private amenity space

10. The proposed dwellings would have small private amenity spaces. There is no policy or guidance at a local or national level regarding minimum amenity space. Even so, having regard to the size of the dwellings, the garden areas would not provide sufficient space for informal recreation, gardening, drying clothes and socialising for future occupiers.
11. The proposed development would significantly reduce the size of no. 37's amenity space. Nonetheless, on balance, the garden area would provide sufficient space for informal recreation, gardening, drying clothes and socialising for occupiers of no. 37.
12. For these reasons, the proposed development would not provide satisfactory living conditions for future occupiers of the proposed dwellings, with regard to the provision of private amenity space. Consequently, it would conflict with Policy H1 of

the WNJCS and Policy ENV10 of the LPP2. These collectively seek, amongst other matters, to ensure development protects the amenity of new dwellings and have regard to the living conditions provided for future residents.

13. The proposal would also conflict with paragraph 135 of the Framework which states that decisions should create places with a high standard of amenity for future users.
14. Policy R1 of the WNJCS and Policy RA1 of the LPP2 require development to protect the amenity of existing residents. Thus, given my findings in relation to no. 37's private amenity space, in this regard, the development would not specifically conflict with the requirements of these policies.

Landscape features

15. The landscaping details show that trees would be removed, and a section of hedge would be removed to accommodate the proposed access. In addition, the canopy of trees is to be reduced, and crown raised. The boundary hedgerows are also to be trimmed back.
16. The trees are not formally protected but they positively contribute to the character and appearance of the area. As stated above, the proposed dwellings would have small private amenity spaces. Given the limited distance between the dwellings and trees, it is likely that there would be future pressure to prune or lop the trees and potentially to remove the trees. The removal of the trees, and maintenance, would be evident from Ashway Park.
17. The appellant states that the Cypress hedge could be trimmed back modestly without any detrimental effect. The landscaping drawing appears to show in some places that the hedge would be trimmed back more than a few hundred millimetres to allow for access. It has not been adequately demonstrated that the reduction of the Cypress hedge would be acceptable given their inability to re-shoot on the cut side. Thus, it is likely that the hedge would remain brown and would be unbalanced.
18. In conclusion, when drawing the above points together, and based on the evidence presented, the proposed development would fail to successfully integrate with existing landscape features which positively contribute to the area and would have an adverse impact on landscape features. Given the limited external non-hardstanding areas, there would be little opportunity to provide meaningful planting. Therefore, the new tree and hedge planting would not outweigh or mitigate the impact on the landscape features. Consequently, the proposal would conflict with Policies ENV1 and ENV10 of the LPP2 and Policy 4 of the NDP. These collectively seek, amongst other things, to ensure development integrates existing landscape features of the site with proposed landscaping and seek to safeguard and retain mature trees and hedgerows.
19. No concern regarding the loss of landscaping features in terms of biodiversity and ecological impacts have been raised. In any event, such considerations do not outweigh my findings above.

Other Matters

20. The appeal proposal was submitted to overcome the reasons for refusal of a previous planning application¹. The appellant considers that the lack of consideration of the alternative approach is unreasonable, and does not represent a positive and creative approach as required by paragraph 39 of the Framework. However, the Council has adequately considered the proposal's impact, and these considerations do not amount to a positive factor in favour of the scheme.
21. Planning permission has previously been granted for a single dwelling within the rear garden of no. 37². Thus, the principle of residential development within the rear garden of no. 37 has been considered acceptable.
22. Whilst paragraph 135 of the Framework states that decisions should not prevent or discourage appropriate innovation or change (such as increased densities), it is also a requirement for the development to be sympathetic to local character. The previously approved single dwelling had a lower ridge height and eaves as well as single storey elements and a hipped roof, which reduced its overall mass and scale when compared with the proposal before me. Furthermore, I understand that the previously approved single dwelling had more garden space, and greater gap to the northern boundary. Thus, the developments are distinctly different, and the previously approved application does not provide justification for the harm I have found.
23. The appellant highlights that the Council does not currently have a sufficient supply of self-build plots within the former Daventry area, and the Brixworth Housing Needs Survey identifies a need for 4-bedroomed market houses. In this regard, my attention has been drawn to numerous appeal decisions³. There are clear differences between the appeal before me and those decisions, including reasons for refusal and number of dwellings proposed. Nonetheless, it is evident that Inspectors have doubted the accuracy of the Council's self-build and custom housing demand figures and found insufficient permissions have been granted to meet the demand for self-built plots. Furthermore, it was found that the benefits of a scheme (which included the benefits of self-build and custom housing) outweighed the conflict with the development plan.
24. From the evidence before me, it appears that there are permissions which should have not been included in the Council's Self and Custom-build Monitoring Report within the former Daventry area. It would therefore seem that the Council are not currently meeting the identified self and custom build housing need for the former Daventry area. The evidence in this case leads me to the view that there is a need for self and custom-build dwellings within the area.
25. The appellant highlights that an Inspector⁴ stated a Section 106 obligation is an appropriate method to secure the important self-build element of the development and matters associated with this. As previously stated, a UU has been provided which seeks to secure the proposal as a self-build dwelling.

¹ 2024/3987/FULL

² DA/2015/0473

³ Including APP/W2845/W/24/3353512, APP/W2845/W/23/3323851, APP/W2845/W/24/3345571, APP/W2845/W/23/3321621, APP/G2435/W/18/3214451, APP/W2845/W/25/3363035, APP/W2845/W/25/3364276

⁴ APP/G1630/W/20/3250825

26. The UU has only been signed by the appellant. Whilst the appellant asserts that the UU is the same as other UUs, I do not have the full details of those cases. I understand that the land is jointly owned, and the UU does not refer to the legal charge (the mortgage). Thus, it appears that not all of those with current interests are party to the UU and therefore I am concerned that the UU is invalid and unenforceable. As a result, I am not convinced that the benefits associated with the provision of self-build housing could be fully secured, and this significantly limits the weight that can be attributed to it in the planning balance.
27. A range of other benefits are set out. These include ecological enhancements; the scheme is sustainably designed and would contribute to the local economy. The dwellings would also be in a sustainable location with access to local services and public transport. When drawing this together, the highlighted benefits, and other matters raised, would not be sufficient to outweigh the harm that I have identified.

Conclusion

28. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR