



Appeal Decision

Site visit made on 22 December 2025 by T Morris BA (Hons) MSc

Decision by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2026

Appeal Ref: APP/W2845/W/25/3373713

The Shires, 64 Banbury Road, Brackley, West Northamptonshire NN13 6AT

- 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 Sarb Dhesi against the decision of West Northamptonshire Council.
 - The application Ref is 2025/2630/FULL.
 - The development proposed is the construction of an additional dwelling adjacent to the existing dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The description of development within the banner heading above is based on that which was provided on the planning application form. However, I have removed some of the wording which provides background information to the proposal as that is not a description of development and is therefore superfluous.

Main Issues

4. The main issues are the effect of the proposed development on:
 - i) the character and appearance of the area; and,
 - ii) the living conditions of occupiers of the existing dwelling and the occupiers of 62 Banbury Road (No 62), in terms of outlook, light and privacy.

Reasons for the Recommendation

Character and appearance

5. The appeal site comprises a detached two-storey dwelling located in a predominantly residential area. In contrast to those opposite, the dwellings on this side of Banbury Road are generally large and are set within spacious plots with gaps in between the buildings, factors which contribute to an open character in the street scene. Although the dwellings vary in their external appearance, with a mix of hipped and gable roofs, as well as bay windows and porches, the space around the buildings allow for the dwellings to be appreciated as part of an attractive street

scene overall. Moreover, with its existing detached dwelling set within a spacious plot with gaps either side of the building, the appeal site contributes positively to the open and spacious character and appearance of the surrounding area.

6. The proposed dwelling would be sited close to the existing dwelling at the site. In that regard, I have considered the examples of developments in the area with similar layouts which are referred to by the appellant. I also observed these on my site visit. Although the gap between the dwellings at 50A and 50B Banbury Road is small, in contrast to the appeal scheme, it is a comprehensively designed development where the dwellings have the same appearance. With regards to 54A and 56 Banbury Road, these do vary in design, but they are still separated by a sizeable gap at first floor level. Furthermore, the presence of the garage at that site also a different scenario to that before me and is not comparable to the appeal proposal. For these reasons, the examples referred to by the appellant do not appear cramped in the street scene to the extent that they harm the character and appearance of the area.
7. In contrast, due to the close siting between the proposed and the existing dwellings on the site, together with their design differences, the proposal would appear cramped and incongruous in the street scene. In design terms, the narrow and plain front elevation, basic roof design and utilitarian form of the proposed dwelling would sharply contrast with the larger scale of the dwellings on this side of Banbury Road, as well as their more extensive range of architectural features. Furthermore, the contrasting roof form and window fenestration between the proposed and existing dwellings would accentuate the crowded appearance of the development on the site. The use of materials which are typical of other buildings in the area as well as building regulations compliance would not be sufficient to successfully integrate the development into the locality. Consequently, the proposal would harm the appearance of the street scene, as well as the open and spacious character of the plot and the surrounding area.
8. I acknowledge the two previous planning permissions at the appeal site, including for the construction of '2 x 4 bedroom 3 storey dwellings'¹ and for the construction of a 'large 3 bedroomed extension'². The evidence before me suggests that these permissions are extant and could therefore be implemented, thus constituting significant fallback positions.
9. However, aside from the overlays of the footprints of those proposals, I do not have the full plans and elevations for these, nor the details of the circumstances in which they were approved. Therefore, I am unable to make a direct comparison between the appeal and the extant permissions but recognise that the Council regard the most recent approval to be "aesthetically pleasing". Consequently, I cannot be certain that either extant permission, and as such a fallback position, would be more harmful than the appeal, in terms of its impact on the character and appearance of the area. As such, the previous planning permissions do not lead me to a different conclusion in this main issue.
10. For the above reasons, I therefore conclude that the development would harm the character and appearance of the area. It would conflict with Policy SS2 of the South Northamptonshire Part 2 Local Plan 2011-2029 (2020) (LP), with respect to the effect on character and appearance. This requires, amongst other matters, that

¹ Application reference WNS/2023/0291/FUL

² Application reference 2025/0049/FULL

developments integrate with their surroundings and the distinctive local character of the area, including in terms of siting and design.

11. On this main issue, the Council cite conflict with Policy S10 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (2014). However, this policy relates to sustainable development principles. Therefore, I find no conflict with the objectives of this policy. Even so, this does not offset the proposal's conflict with Policy SS2 of the LP.
12. The proposal would also be contrary to the guidance in the National Planning Policy Framework (the Framework), which states that the creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and design process should achieve, and that developments should be visually attractive and add to the overall quality of the area.

Living conditions

13. The side elevation of the existing dwelling (No 64) on the appeal site contains windows. This includes ground floor windows which serve a lounge and a bedroom, as well as first-floor windows which serve a second lounge. However, these are secondary windows to the rooms. I observed on my site visit that the main source of outlook, sunlight and daylight to the lounges at the ground floor and the first floor are from the rear facing patio doors which overlook the garden. The ground floor bedroom window has another window in the front elevation which faces the front garden of the property.
14. I acknowledge that due to the proximity of the proposed dwelling to the side facing windows of the existing dwelling, it would have an adverse effect in terms of the availability of daylight and provision of outlook to its lounges and bedroom. Nevertheless, with regards to the lounges, their main source of outlook and light from the patio doors would be unharmed by the proposal. Furthermore, with its additional window on the front elevation, the ground floor bedroom would retain an acceptable provision of outlook and daylight. In terms of sunlight, the proposed dwelling is to the southeast of No 64. As such, it would be likely that morning through to midday sun would be obscured by the proposal, albeit only affecting light into the identified secondary windows. For these reasons, the proposal would not be unacceptably harmful to the living conditions of occupiers of the existing dwelling, in terms of outlook, daylight and sunlight.
15. No 62 is located on the opposite side of the access road which runs between the appeal site and the side boundary of No 62. It's side elevation facing the appeal site and thus the proposed dwelling features a porch at the ground floor and a small window at the first floor. The property also features a rear garden area which at the time of my site visit, was predominantly occupied by a shed. The rear garden area of No 62 is also enclosed by a wooden fence and planting which is of a moderate height and thus provides a degree of privacy to this area.
16. The small first-floor window on the side elevation of No 62 does not appear to serve a habitable room. Even if this window serves a habitable room, given the distance between the side elevation of the proposed dwelling and the side elevation of No 62, it would not result in an unacceptable degree of overlooking to the window at No 62 and thus the room it serves.

17. In terms of the impact on the privacy experienced at the rear garden area of No 62, the side facing windows of the proposed dwelling would face more towards the side elevation of No 62, rather than its rear garden area. Consequently, any views from the first-floor windows of the proposed dwelling toward the rear garden of No 62 would be from an oblique angle. They would also be limited to longer views given the distance between the side elevation of the proposed dwelling and the rear garden area of No 62. The boundary treatment to the rear garden area would also provide a degree of screening. In these circumstances, the proposal would not be unacceptably harmful to the living conditions of occupiers of No 62, in terms of privacy.
18. I therefore conclude that the proposed development would not be materially harmful to the living conditions of occupiers of the existing dwelling or the occupiers of No 62, in terms of outlook, sunlight, daylight and privacy. It would comply with Policy SS2 of the LP, with respect to the effect on living conditions. This policy seeks amongst other matters, for developments that do not result in unacceptable harm to the amenity of occupiers and users of neighbouring properties, including in terms of a loss of privacy, sunlight, daylight and outlook.

Other Matters

19. The appellant refers to case law³, with regards to planning judgments being made on proper, objective evidence rather than assertions unsupported by technical analysis or technical data. While further details of this particular case law have not been provided, I am conscious that matters in relation to character and appearance are often subjective. In that regard, the Council has drawn conclusions on the merits of the proposal and has substantiated its reasons in its officer report and decision notice. I have drawn my own conclusions based on the evidence before me and from my own observations on my site visit.
20. I also note the appellant's concerns with regards to the way in which the Council dealt with the planning application. This includes procedural concerns in terms of the time limit for consultation and the determination of the application, as well as a lack of communication, engagement and opportunity for amendments. However, these are not reasons to allow the appeal, and my recommendation is based on the planning considerations of the proposal.
21. The absence of objections from local residents, as well as the lack of harm in terms of ecology, highways and trees are neutral factors which do not weigh in favour of the proposed development. I also note the appellant's reference to support for the scheme from neighbours, but this is not supported by evidence and in any case, it does not alter my conclusions on the appeal overall.
22. The appellant has also referred to costs. However, there is no costs application before me, and I am not moved to instigate my own costs application against the Council.

Conclusion and Recommendation

23. Whilst the proposed development would not result in unacceptable harm to the living conditions of occupiers of the existing dwelling and the occupiers of No 62, it would nevertheless be harmful to the character and appearance of the area. The

³ (R v Morge [2011] UKSC 2)

proposal would therefore be contrary to the development plan as a whole, and there are no other material considerations which would outweigh this conflict. Therefore, I recommend that the appeal is dismissed.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

B Plenty

INSPECTOR