



Appeal Decision

Site visit made on 12 December 2025

by S Bennett-Matthews Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 02 April 2026

Appeal Ref: APP/M2840/W/25/3372910

10 Lancaster Drive, Thrapston, Northamptonshire NN14 4XD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Tim Miller against the decision of North Northamptonshire Council.
 - The application ref is NE/25/00646/FUL.
 - The development proposed is a detached garage.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for a full aware of costs was made by Mr Tim Miller against North Northampton Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal is made under Section 78 (2) (a) of the Town and Country Planning Act 1990 (as amended) against the failure of North Northamptonshire Council to determine the application within the statutory period. There is no decision notice from the Local Planning Authority.
4. A significant portion of the parties' submissions relates to whether the appeal site lies within the domestic curtilage of No. 10 and whether its use has changed from amenity land to garden land. However, this appeal concerns only the proposed erection of a detached garage. It does not relate to a material change of use or a lawful development certificate. My assessment is therefore solely limited to the submitted proposal before me for full planning permission for the garage. The Council's reference to advice previously given to the appellant about withdrawing the application and submitting an application for a certificate of lawfulness for the existing use of land, with the appropriate fee does not alter this position.
5. The Council's concerns regarding the accuracy of the red-line boundary plan and completion of ownership certificates are procedural matters for the Council and appellant. As I am dismissing the appeal for other reasons, there is no reason for me to consider these further. These matters do not prevent me from determining the appeal before me nor do they carry material weight in the outcome of the appeal.

Main Issues

6. The main issues are the effect of the proposed development on:

- The character and appearance of the area;
- The living conditions of neighbouring occupiers; and
- Highway safety.

Reasons

Character and Appearance

7. The appeal site lies within a cul-de-sac forming part of a modern residential estate, predominantly comprising two-storey detached dwellings arranged around a shared access. Properties typically benefit from private driveways, and while there appears to be an isolated example of a side-attached garage, such arrangements are not characteristic of the cul-de-sac. Together, these features define the established suburban character of the cul-de-sac. The wider locality is characterised by a varied mix of house types and plot layouts, retaining landscaped areas and hedging. Private driveways are a common feature.
8. The appeal site itself is a grassed area opposite Nos. 4 and 10 Lancaster Drive enclosed in part by hedging. Described as a garden area by the appellant, it provides a soft landscape edge while maintaining views across the space, contributing towards the open character of the cul-de-sac.
9. The introduction of a detached garage in this location would replace an open area with permanent built form, thereby eroding the sense of openness that currently contributes to the character of Lancaster Drive. The resulting loss of openness would also mean that the proposed development fails to appear subservient in relation to the host dwelling. The location, design and scale of the proposal would also cause visual harm on the character and appearance of the surrounding area, as it would appear overbearing and positioned too close to the public highway, giving the appearance of an overdeveloped site.
10. The appellant has drawn attention to the wider locality where in some cases, garages are positioned either in front of or adjoining the side of the dwellings. I have considered these examples carefully. However, in my view, these dwellings do not share the same context as the appeal site as the garages appear to be positioned within established building lines and do not intrude on the areas intended to remain open in the originally designed layout. Consequently, these elements collectively contribute and enhance the mixed yet coherent suburban character of the area. By contrast the proposed development would replace an open landscaped area with a built form causing a notable loss of visual openness within the cul-de-sac resulting in significant harm to the street scene and wider surrounding area.
11. For these reasons, I conclude the proposed development would conflict with Policy 3(a) and (b) of the North Northamptonshire Joint Core Strategy 2011-2031 (JCS) requiring development to conserve and, where possible, enhance the character and qualities of the local landscape and retain important landscape features. It would also conflict with Policy 8(d) which seeks to ensure proposals respond to the

site's immediate and wider context to create a distinctive local character, and with Policy 19 which aims to maintain and enhance green infrastructure.

Living Conditions

12. The occupiers of the properties opposite the appeal site, including Nos. 4 and 6 Lancaster Drive, currently enjoy an open outlook from the ground floor windows of their homes. Although the proposed garage would be single storey, its design, sitting and scale would introduce a visually prominent feature in close proximity to these properties. This would materially reduce the openness of their outlook from ground floor windows.
13. For these reasons, I conclude that the proposed development would result in unacceptable harm to the living conditions of the occupiers of Nos. 4 and 6 Lancaster Drive and neighbouring properties, due to the reduction in outlook from ground floor windows. The proposal would therefore conflict with Policy 8 of the JCS which seeks to promote high quality development and ensure that amenity of existing and future occupants is not unduly harmed.

Highway Safety

14. The appeal site adjoins a shared access serving the properties within the cul-de-sac and a public highway and is enclosed in part by established hedging.
15. The Council submits that the scale and positioning of the proposed detached garage would obstruct the visibility splay serving No. 12 Lancaster Drive, resulting in potential harm to the safety of other road users, including pedestrians and cyclists.
16. I have also carefully considered the highway safety concerns raised by the occupiers of Nos.4 and 6 Lancaster Drive regarding the effect of the proposed development on the shared access. These concerns refer to the proposal's reliance on this shared area for both access and egress, the potential vehicles entering or leaving the appeal site to obstruct other highway users, the creation of a highway hazard and the absence of technical evidence from the appellant such as a swept path analysis to demonstrate compliance with highway safety requirements.
17. However, I have no technical evidence before me to substantiate the highway safety concerns raised by the Council and the occupiers of Nos.4 and 6 Lancaster Drive. I also note there is no objection from the Council's Highway Authority. While I observed during my site visit that the appeal site is partly enclosed by established hedging, I do not rely on the presence of vegetation in forming my assessment, as such features are not a permanent built form and may be altered or removed over time. Nevertheless, based on the evidence before me including the position and footprint of the proposal, I am not persuaded that the proposed development would materially impact or impede visibility or otherwise give rise to an unacceptable impact on highway safety.
18. For these reasons, I conclude that the evidence before me fails to demonstrate that the proposed development would conflict with Policy 8(b)(i) and (ii) of the JCS. These provisions require development to create safe streets by prioritise the needs of pedestrians and cyclists and to ensure satisfactory access, parking, servicing

and manoeuvring arrangements. In addition, I have not been provided with evidence to demonstrate that the proposed development would be inconsistent with paragraph 4.6 of the Northamptonshire County Council Local Highway Authority Standing Advice for Local Planning Authorities (2016), which emphasises the importance of retaining unobstructed visibility splays in the interests of public safety.

Other Matters

19. As stated above, a significant portion of the parties' arguments relates to whether the appeal site lies within the domestic curtilage of No. 10 and whether its use has changed from amenity land to garden land. For the avoidance of doubt, even if the evidence submitted were to indicate that the appeal site forms part of the domestic garden to No. 10, the proposed development would nevertheless result in the harms I have identified above and would therefore conflict with Policies 8 of the JCS.
20. I have considered all representations made, including references to previous planning history and section 106 agreement material, which may be relevant to any future assessment of the lawful use of land. However, these matters do not carry material weight in relation to the application before me or alter my findings on the harmful effects identified above.

Conclusion

21. In conclusion, the development would conflict with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above, I conclude that the appeal is dismissed.

S Bennett-Matthews

INSPECTOR