
Appeal Decision

Site visit made on 25 October 2016

by Amanda Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14th November 2016

Appeal Ref: APP/V2825/W/16/3152716

Land rear of 1 Thornton Road, Northampton, Northamptonshire NN2 6LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Julian Skinner against the decision of Northampton Borough Council.
 - The application Ref N/2015/1285, dated 31 October 2015, was refused by notice dated 26 January 2016.
 - The development proposed is outline planning permission for the erection of a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the address and description of the development used on the Council's decision notice in my heading above, as they better describe what is proposed.
3. The application is for outline planning permission with the principle of development only to be determined at this stage, and all other matters reserved for future consideration.

Main Issues

4. The main issues are the effect of the development on:
 - the character of the area;
 - highway safety; and,
 - the living conditions of future occupiers with particular regard to noise and disturbance.

Reasons

Character and appearance

5. The appeal site is a small yard formerly used for trailer parking, situated between industrial and residential land uses. The site lies to the rear of the building line on Thornton Road, and is accessed by a single lane track which serves garages to the rear of other dwellings fronting Thornton Road. It is a backland site by virtue of its position behind the underlying building line, and I will consider it as such in my reasoning.
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6. The appellant has not provided indicative drawings, but I have considered the principle of development on the basis of the dimensions of the appeal site and its relationship to the surrounding building pattern and land uses. The site, although possibly of an appropriate size for a dwelling in a more densely built up area, is significantly smaller than the plots of nearby dwellings. As such, I concur with the Council that a dwelling in this location would significantly deviate from the prevailing building pattern and would appear cramped on the site. In addition, it would introduce frontage activity to the rear of the existing building pattern which would be out of keeping with the prevailing residential layout, which is separated from the industrial estate by long gardens. Whilst I appreciate that the area may be changing, as argued by the appellant, there is nothing in the evidence before me to indicate that such changes include backland development. Consequently, I consider the development would be out of scale and out of keeping with the surrounding pattern of residential development, and the adjoining commercial and industrial uses.
7. Policy S10 of the Core Strategy¹ (CS) states that development will achieve the highest standards, sustainable design and a strong sense of place, and Policy H1 (CS) requires housing development to have regard to the existing character and density of the local area. The positioning of a single dwelling on a restricted backland plot where it would be unrelated to the surrounding building pattern would fail to achieve a strong sense of place, as required by CS Policy S10 or have regard to the existing character and density of the area, as required by CS Policy H1. As such, I consider it would be contrary to CS Policies S10 and H1, as outlined above.

Highway safety

8. There is inconsistency in the appellant's evidence which states that the private access road serves the appeal site and garages at the rear of the opposing gardens², but also that the private road will serve only the appeal site³. From my observations, and in the absence of evidence suggesting that the nearby garages would have an alternative vehicular access, I have concluded that the private road would be the primary vehicular and pedestrian access for the proposed dwelling, and would also provide secondary access for other dwellings on Thornton Road. However, I noted on my visit that some of the nearby garages had obstructions across their entrances, indicating that they are not regularly used for vehicles.
9. Paragraph 4.4.7 of the highway authority's standing advice⁴, quoted by the Council in its evidence, sets out standards for the geometry of access roads serving between two and five dwellings. This requires a given width at the entrance of access roads in order to ensure opposing vehicles can pass each other without causing disruption to other users of the highway, as well as other stipulations in respect of gradient, drainage and surfacing. I appreciate that the evidence before me indicates that adjoining property boundaries prevent widening of the private road. However, although the development would serve more than one dwelling, access to the other dwellings would be secondary. As such, I am not satisfied that the scenario described in Paragraph 4.4.7 of the standing advice is entirely relevant to this appeal.

¹ West Northamptonshire Joint Core Strategy Local Plan Part 1, adopted 2014

² Email: Sharon Skinner to James Conway, 19 February 2016

³ Mr J Skinner, Statement of Case

⁴ Northamptonshire County Council, Standing Advice for Planning Authorities, June 2016

10. Furthermore, the access road already serves the appeal site which appears to have an established commercial use. Accordingly, I am not satisfied that traffic volumes or frequency would increase significantly along the access road, were the appeal to be allowed, given that it would displace the existing traffic movement and the size of the site itself would restrict the extent of the development. Moreover, although I appreciate that there would be pedestrian use of the access road, I am not satisfied that there would be such a level of conflict with vehicles, which would be largely associated with the development, to represent significant harm to their safety.
11. The standing advice also requires the provision of visibility splays at the back of the footway, which in this instance would need to be provided on neighbouring land. However, the access road already exits onto a residential road and although at the time of my visit there was building work being carried out on the opposite side of the road, the footways and road were not particularly busy. As such, notwithstanding that I consider there would be at worst an incremental increase in the intensification of use, I am not satisfied that this would present a significant hazard to the safety of other highway users. In addition, there is nothing in the evidence before me to indicate highway safety is an existing concern at this entrance. As I have reasoned that use would not be significantly intensified, were the appeal to be allowed, I am not satisfied that an inability to create visibility splays is a determinative factor.
12. I appreciate that Paragraph 35 of the National Planning Policy Framework (the Framework) requires development to create safe and secure layouts which minimise conflict between traffic and cyclists or pedestrians. However, as I have reasoned above, I am not satisfied that the development would have a significant harmful effect on highway safety. As such, there would not be a conflict with Paragraph 35 of the Framework. In addition, Paragraph 32 of the Framework states that development should only be refused on transport grounds where the residual cumulative effects of development are severe. I have outlined above why I do not consider this to be the case for this appeal. Consequently, there would be no conflict with the provisions of Paragraph 32 of the Framework.

Noise and disturbance

13. The industrial estate is bounded on two sides by residential development on Thornton Road and Cartwright Road, and the rear gardens of those dwellings act as a buffer. There would be insufficient space on the appeal site for a garden to provide a similar buffer, but the site is raised 30 – 40 feet above the industrial estate and given that height difference I am not satisfied that the proposed dwelling would be so close to the estate as to be significantly more susceptible to the effects of noise from the estate than other dwellings. Furthermore, when I visited the site I was not aware of particular noise issues. However, I recognise this is a snapshot in time
14. The appellant states that the majority of businesses work 0800 – 1800 hrs on weekdays only, and although I appreciate the Council's position that there is no noise monitoring information supplied to support that statement, nor is there evidence before me to indicate that the estate houses heavy industry likely to operate through the night. MOT and car repair garages in particular, which it is stated the estate contains, are frequently found in residential areas.

15. As such, I am not satisfied that noise and disturbance would be to the detriment of future occupiers, and in any case conditions could impose sound insulation measures to mitigate internal noise, were the appeal to be allowed. I appreciate that such measures would not provide mitigation for external areas. However, nothing in the evidence before me, or that I observed on the site, has persuaded me that noise and disturbance from adjacent land uses would have a significant adverse effect on the living conditions of future occupiers.
16. As such, the development would not be contrary to CS Policy BN9 which requires proposals for new development likely to result in exposure to sources of pollution to reduce the adverse effects of noise, or CS Policy H1 which requires housing development to have regard to the living conditions of future residents.

Other matters

17. The appellant has raised a concern that the policy information referred to by the Council has not been supplied. However, policy documents are generally in the public domain, and in any case, concerns with respect to the Council's procedures are outside the scope of this appeal.
18. The appellant argues that the existing surface of the private road is comparable to that of other adopted roads. However, this is not a determinative factor in my reasoning.

Conclusion

15. I appreciate that the development would provide an additional dwelling. However, I consider this to be of limited benefit, and such benefit would fail to outweigh the harm in respect of character and appearance I have identified above.
16. Consequently, for the reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and Core Strategy and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR