

Appeal Decision

Site visit made on 4 April 2017

by Mark Dakeyne BA (Hons) MRTPI

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

Decision date: 18th April 2017

Appeal Ref: APP/V2825/W/16/3167098

Land to rear of Wootton Hill Farm, Northampton NN4 9JJ

- 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 Murphy against the decision of Northampton Borough Council.
 - The application Ref N/2016/1005, dated 20 July 2016, was refused by notice dated 16 September 2016.
 - The development proposed is a new detached dwelling and detached garage.
-

Decision

1. The appeal is allowed and planning permission is granted for a new detached dwelling and detached garage at land to rear of Wootton Hill Farm, Northampton NN4 9JJ in accordance with the terms of the application, Ref N/2016/1005, dated 20 July 2016, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The application was made in outline seeking approval for the access and layout but with all other matters reserved. I have decided the appeal on this basis.

Main Issue

3. The main issue is the effect on highway safety.

Reasons

4. The dwelling would be served by a private access road which leads off the adopted hammerhead at the end of the estate road, Wootton Hill Farm. The private road currently provides access to six large detached dwellings, including the old farmhouse (No 9 Wootton Hill Farm) which has a driveway to its rear.
 5. The access road has not been completed as two of the dwellings are under construction but is shown as being about 3.5m wide for most of its length with no footway other than where it runs alongside the old farmhouse.
 6. The plans indicate that the access road would be widened to 4.5m as far as No 9A Wootton Hill Farm (the fifth dwelling accessed off the road) narrowing
-

to 3.5m beyond that point where it would serve the sixth dwelling which is under construction and the plot subject to this appeal. A 1m footway would be provided up to the sixth dwelling.

7. The size of the dwellings, the amount of garaging and the number of cars that I observed at the site visit indicate that the vehicle movements from the properties would be greater than the norm for a development of seven houses. That said the overall number of vehicular and pedestrian movements generated by seven dwellings would not be that significant. The 4.5m wide access would allow two cars to pass each other on the occasions that they meet. The footway would provide refuge for pedestrians, albeit that it would not meet the normal 1.8m minimum width. A 3.5m 'private drive' with a footway along some half of its length would be acceptable to serve the final two dwellings. Based on the information before me the improvements to the width of the access road and the provision of the additional length of footway would not otherwise be secured.
8. The private access road would serve more than the five dwelling limit set out in County Council guidance and would not meet the total width requirement of 7.8m referred to (incorporating a 4.8m carriageway, 1.8m footway and 1m service strip). However, in my judgement the drive and footway would be of sufficient width to provide a safe access for seven dwellings.
9. There is satisfactory visibility at the point where the access road meets the adopted cul-de-sac. Moreover, vehicles would be likely to approach the hammerhead slowly given its mews court type layout that allows informal parking and children's play. Traffic calming measures could be introduced along the private road to further encourage appropriate traffic speeds.
10. The land upon which the dwelling would be constructed lies between the railway cutting to the east and Towcester Road to the west. Beyond the plot the land tapers to a narrow sliver. Having regard to the type of dwellings along the private road, I cannot see them or their gardens being subdivided. It is very unlikely that further dwellings would be served off the access road.
11. For the above reasons the development would be acceptable in relation to highway safety. The proposal would achieve the appropriate standard of design and safety and so accord with Policy S10 of the Core Strategy¹. A safe and suitable access and layout would be achieved in accord with paragraphs 32 and 35 of the National Planning Policy Framework.
12. The access road runs close to Nos 9, 10 and 11 Wootton Hill Farm where it approaches the mews court. Nos 10 and 11 have main windows facing the road. However, the vehicle movements arising from an additional dwelling would not lead to significant noise and disturbance. Disruption during construction would be temporary and could be controlled by condition. The provision of open space on the triangle of land to the rear of No 11 is not a matter before me.
13. In granting planning permission I have considered what conditions should be imposed including those suggested by the Council. A condition referring to

¹ Northamptonshire Joint Core Strategy Local Plan (Part 1) adopted December 2014

the approved plans is required for certainty. I consider it necessary to secure the improvements to the access road and incorporate traffic calming measures before the dwelling is occupied for highway safety reasons. Conditions relating to remediation and noise are needed due to the possible presence of contaminants and proximity of the railway line.

14. I have also imposed a condition relating to refuse storage so that suitable provision is made in the interests of the appearance of the development. Construction hours and deliveries should be controlled to prevent noise and disturbance for existing residents outside working hours. I have included conditions relating to the erection of scaffolding, foundation construction and drainage to safeguard railway safety.
15. For the reasons given above the appeal should be allowed.

Mark Dakeyne

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No M38-1B (Site Plan as Proposed); Drawing No M38-2A (Site Plan as Proposed); Drawing No M38-3C (Block Plan).
- 5) Details of the construction and surfacing of the widened access drive and additional lengths of footpath as indicated on Drawing Nos M38-1B and M38-2A together with traffic calming measures to be incorporated into the access drive close to its junction with the adopted highway shall be submitted to and approved in writing by the local planning authority and implemented as approved prior to the occupation of the dwelling.
- 6) No development shall take place until a desktop study, including a site walkover, in respect of potential contaminants within the site is completed and the need for a site investigation report is determined. The scope and methodology of the desk top study and the site investigation report shall be submitted to the local planning authority for approval.
- 7) Any site investigation found to be required under condition 6) shall be carried out and the results shall be used to produce a method

statement for any remedial works which shall be submitted to and approved in writing by the local planning authority before the commencement of the development.

- 8) All remedial works found to be required under condition 7) shall be fully implemented in accordance with the approved method statement. Confirmation of the full implementation of remedial works by way of a validation report shall be submitted to the local planning authority within 2 weeks of completion.
- 9) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development shall be suspended and a method statement to deal with the contamination submitted to and approved in writing by the local planning authority. The remedial works required by the method statement shall be carried out and a verification report submitted before the development is resumed.
- 10) Prior to the commencement of the development, a noise assessment of the exposure of habitable rooms and outdoor amenity space to railway noise shall be submitted to and approved in writing by the local planning authority, taking into account the likely growth in railway traffic over the next 15 years. Where the assessment indicates that noise levels will fall within Lowest Observed Adverse Effect Level (LOAEL) or Significant Observed Adverse Effect Level (SOAEL), a scheme to protect any affected habitable room or outdoor amenity space shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the dwelling and retained thereafter.
- 11) Details of refuse and recycling storage to serve the dwelling shall be submitted to and approved in writing by the local planning authority. The refuse and recycling storage shall be fully implemented in accordance with the approved details prior to the occupation of the dwelling and retained thereafter throughout the lifetime of the development.
- 12) Construction works and the delivery of construction materials shall only take place between 0800 and 1800 hours on Mondays to Fridays and 0800 hours to 1300 hours on Saturdays, and shall not take place at any other time including on Sundays or on Bank or Public Holidays.
- 13) Before the erection of any scaffolding within 10m of any boundary of the application site with railway land, details of the scaffolding shall be submitted to and approved in writing by the local planning authority.
- 14) Prior to any vibro-impact works being carried out a risk assessment and method statement relating to such works shall be submitted to and approved in writing by the local planning authority. The vibro-impact works shall be carried out in accordance with the approved details.
- 15) Prior to the commencement of development, details of the disposal of foul and surface water drainage shall be submitted to and approved in writing by the local planning authority, the details to show drainage

directed away from the adjacent railway land. The approved details shall be implemented before the dwelling is occupied.

END OF SCHEDULE OF CONDITIONS