



Appeal Decision

Site visit made on 8 July 2019

by Sarah Colebourne MA, MRTPI

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

Decision date: 22 July 2019

Appeal Ref: APP/Z2830/D/19/3228196

Stoneleigh, 16 Middle Street, Nether Hayford, Northampton, NN7 3LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Hume against the decision of South Northamptonshire District Council.
 - The application Ref S/2019/0178/FUL, dated 23 January 2019, was refused by notice dated 26 March 2019.
 - The development proposed is the demolition of a wall, a new detached garage and a vehicular access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed development on:
 - the character and appearance of the area;
 - highway safety with regard to the access.

Reasons

Character and appearance

3. Stoneleigh is a large detached dwelling which is located close to the edge of the village. It has two storeys and a wide front elevation with a mostly open frontage and occupies a prominent position on a bend on a through road, facing the junction with Manor Park. There is an existing detached garage to the side and set forward of the dwelling which has a shared access and driveway with and in front of the adjacent property at 14b. Whilst the southern part of Middle Street has a historic character with buildings close to the road, the northern part in which the appeal dwelling is located has a different character in which dwellings are set back from the road with generous front gardens. The open plan front garden of the appeal dwelling and some of the trees within that garden contribute strongly to the verdant character and spaciousness of the immediate surrounding area.
4. The proposed garage would be sited on the other side of the frontage from the existing garage and would also be set forward of the dwelling. It would be of a similar size to the existing garage and given the large size and scale of the host dwelling and the surrounding dwellings it would not be unduly dominant in the street scene. Whilst the pyramid roof form would not reflect the local

- vernacular and siting required in the Council's adopted Design Guide or its Residential Extensions SPG and Parking SPD, in this case that guidance is not appropriate because the proposed form and siting would reflect that of the existing garage. It would therefore sit more comfortably in the street scene rather than introducing a different, incompatible design. I agree that two single doors would be preferable but given the number of double garage doors on Manor Park that can be seen in close proximity to the appeal site, the proposed double door would not be unduly harmful.
5. Although the proposal involves the removal of the existing stone wall, it does not appear to have any historic value and given its short length it makes little contribution to the character of the area.
 6. I have noted that the proposal would require the removal of a silver birch tree shown as T1 on the plans and another silver birch tree and a very small tree not shown on the plans. Those trees are not significant features within the street scene given the proximity of the more prominent mature horse chestnut within the corner of the site. Whilst the garage would extend very slightly under the root protection area of that tree, I am satisfied that if all other matters were acceptable, conditions could be applied to secure its protection which would be necessary given its contribution to the street scene.
 7. The proposed access would be sited within an existing grassed area in front of the dwelling. Sufficient space would remain for a lawn or planting and I am satisfied that, if all other matters were acceptable and subject to a condition for materials, it would have an acceptable appearance within this context.
 8. I conclude then that the proposed development would not harm the character or appearance of the area. It would accord in this respect with the Council's development plan policies: SA in the West Northamptonshire Joint Core Strategy (2014) and G3(A), H17(I) and EV(III) in the South Northamptonshire Local Plan (1997) which, like the National Planning Policy Framework (the Framework), seek to ensure that proposals are of a high quality design which respects the character and appearance of the area.

Highway safety

9. The provision of a new access would enable the appellant and his neighbour to have separate accesses onto Middle Street. Middle Street is a residential through road which has a 30mph speed limit and numerous accesses. Whilst there would not necessarily be any material increase in traffic from the property and although I saw at my visit that vehicles speeds are generally low, given the location of the proposed access on a bend and its proximity to a junction, the Highways Authority's (HA) requirement for a visibility splay is reasonable and necessary.
10. The visibility splay to the south of the access towards the village would be over land that is outside the control of the appellant and belongs to the adjacent property at 14b. There is a small tree within that land which currently obstructs visibility to the south. It would therefore not be possible to ensure that there are no structures or planting on that land higher than 600mm that would obstruct visibility. Without a satisfactory visibility splay, the proposal would result in a danger to highway safety because vehicles exiting the site would be unable to have full visibility to the south and this would be likely to result in a conflict with other road users. The test of 'severe impacts' in the

Framework has been found in caselaw to apply to matters of highway capacity and congestion. However, the Framework says that development can be refused if there would be an unacceptable impact on highway safety.

11. I have no evidence that the existing shared access represents a danger to highway safety. A third party's representation refers to a fatality in the vicinity some years ago but the cause of that is unclear to me. There are, therefore, no public benefits arising from the proposal sufficient to outweigh the harm that would be caused.
12. I agree with the HA and the Council that a condition to secure the visibility splay would not be appropriate given the advice in the government's Planning Practice Guidance. The HA and the Council consider that a legal agreement between the appellant and his neighbour to secure this would be difficult to enforce and would not be fairly and reasonably related to the development but I have not been provided with any reasoning for their view on this. A legal agreement is a commonly used means to achieve acceptable visibility over neighbouring land. As the land can be clearly seen from the highway it would be easily enforceable and I see no reason why such an agreement would not be fairly and reasonably related to the proposal. It would also meet the other tests in the Framework.
13. However, as no legal agreement has been provided and is necessary to enable the development to proceed, I conclude that the proposal would result in an unacceptable impact on highway safety. It would be contrary to the Council's development plan policy G3(B) in its Local Plan which seeks to ensure safe access.

Conclusion

14. I conclude then that whilst I have found that the proposed development would be acceptable in terms of character and appearance, my findings regarding highway safety are significant and overriding. There are no material considerations that justify determining the appeal otherwise and the appeal should be dismissed.

Sarah Colebourne

Inspector