



Appeal Decision

Site visit made on 14 November 2019

by Phillip J G Ware BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2019

Appeal Ref: APP/G2815/W/19/3234814

42 Jubilee Street, Irthlingborough, NN9 5RL

- 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 G Keeble against the decision of East Northants District Council.
 - The application Ref 19/00579/FUL, dated 26 March 2019, was refused by notice dated 27 June 2019.
 - The development proposed is two new two-storey dwellings with off road parking.
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Decision

1. The appeal is allowed and planning permission is granted for two new two-storey dwellings with off road parking at 42 Jubilee Street, Irthlingborough, NN9 5RL in accordance with the terms of the application, Ref 19/00579/FUL, dated 26 March 2019, subject to the conditions set out in the Schedule to this decision.

Main issue

2. There is one main issue in this case. That is the effect of the proposal on pedestrian and vehicular safety.

Reasons

3. The appeal site is a slightly irregularly shaped area of land, variously described as the garden of no.42 or as a separate plot. Nothing turns on the description, as the fact is that it is an undeveloped area of land in a generally residential area – in a clearly accessible location in terms of services. The site extends to the rear of number 42 where it abuts a lane which serves the rear of other residential properties. The lane includes some other parking areas for some frontage properties.
4. As I saw on my site visit, on-street parking is a feature of both sides of Jubilee Street, which is a cul-de-sac. Doubtless due to the relatively limited width of the carriageway it appears commonplace (in this street and others nearby) for vehicles to park with two wheels on the pavement.
5. The proposal is for a pair of semi-detached properties facing Jubilee Street with four parking spaces at the rear, accessed from the lane. There is already a hardstanding in this area, at the rear of no.42, providing parking for 2 vehicles.

6. The concern of the authority is not with the number of parking spaces (though they do query their likely usage) but with their reliance on the lane off Jubilee Street. The lane is certainly narrow and the visibility when emerging onto the road is restricted by walls. The concern is that vehicles emerging from or entering into the lane would have inadequate visibility and not be able to pass oncoming vehicles in the lane. From my site inspection that is clearly the case and the existing lane does not meet normal standards.
7. However traffic speed and volume in Jubilee Street will be very low given its width and the fact that the junction with the lane is close to the end of the road. The speed in the lane will be slower still due to its nature and surface. Under these circumstances, and given the limited pedestrian and vehicular traffic along the road and the infrequent use of the lane, conflicts are going to be very rare. Should they occur, the parties will have more than adequate warning.
8. I am aware that the appellant has stated that local people know of the existence of the lane and that this will reduce any potential hazard. I am not impressed by this argument, as if even one stranger to the area were involved in an accident, that would be one too many.
9. In addition the Council's position is that the distance between the parking spaces and the new dwellings would be such that residents and visitors would be tempted to park on Jubilee Street. The authority considers that this would be hazardous. It is to this point that I now turn.
10. The width of the plot is such that there is kerbside space for two vehicles to park – if these are not obstructed by other vehicles. Neither party has submitted a recent parking survey, although I noted considerable availability at the time of my visit. However I appreciate that this was only a snapshot in time during the working day.
11. The main concern is that, if vehicles were to park on the street, they would do as others do and park with two wheels on the kerb. This is clearly undesirable, but is entirely commonplace and there does not appear to be any attempt at prohibiting the practice. Given that the entire length of Jubilee Street is parked in this way, whilst leaving some pavement width for pedestrians, I do not consider that such a practice would be hazardous.
12. Overall, whether considering the lane leading to the parking area or the potential for on-street parking the proposal would not harm pedestrian or vehicular safety. Whilst it would conflict with part of Policy 8b of North Northamptonshire Joint Core Strategy (and other documents) in that it would not provide a satisfactory means of access in accordance with adopted standards (my underlining), the material considerations in this case point to a different decision to that in accordance with the development plan. It would not cause an unacceptable impact on highway safety.

Other matters

13. A number of local objections were raised to the proposal. Some of these dealt with highway and parking issues, which I have discussed. Others expressed concern about the loss of the existing vegetation, but this is not protected and it does not add significantly to the streetscene. One criticised the design of the

proposal, but there is no evidence to persuade me that the scheme would not fit in with the streetscene.

Conditions

14. A number of conditions have been put forward by the Council on a without-prejudice basis. I have considered these and made minor amendments in the light of national guidance.
15. For the avoidance of doubt, a condition is needed to identify the approved plans. The details of all external materials need to be approved in the interests of the appearance of the development. Slab levels need to be controlled
16. To protect the amenity of neighbouring properties, additional first floor windows should be controlled. For the same reason, the hours of construction need to be limited and the burning of material prohibited.
17. So as to facilitate off-street parking, a condition is necessary to require the provision and retention of the proposed parking spaces. In addition, also for highway reasons, the Council has put forward a condition prohibiting the installation of gates across the access. But no gates have been proposed and the potential location of any such gates appears to be outside the appeal site. In any event, other than a general comment about highway safety, no justification for the condition has been provided. I do not proposed to impose it.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

P. J. G. Ware

Inspector

Schedule of conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following: Proposed Floor Plans and Elevations ref. 137423/19/6; Proposed Site Plan, Existing Block Plan and Location Plan ref. 137423/19/5; Tree Plan received 7 June 2019; and Arboricultural Method Statement received 27 March 2019.
3. Other than those windows shown on the Proposed Floor Plans and Elevations ref. 137423/19/6, no windows shall be inserted to serve the rooms located at the first floor without the approval in writing of the Local Planning Authority.
4. Prior to the occupation of the development hereby permitted, the parking spaces shown on the approved plans shall be laid out and made available for

the parking of vehicles for the new dwellings. The spaces shall remain available in perpetuity for the new dwellings.

5. Prior to any above ground works details (and samples if required) of all external materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.
6. No construction work (including deliveries to or from the site) that causes noise to be audible outside the site boundary shall take place on the site outside the hours of 0800 and 1800 hours Mondays to Fridays and 0800 and 1300 hours on Saturdays, and at no times on Sundays or Bank Holidays.
7. There shall be no burning of any material during construction or site preparation works.
8. Notwithstanding the submitted details and prior to any above ground works, details showing the proposed slab levels of the development in relation to the existing and proposed levels of the site and the adjacent road shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details.

-----End of conditions-----