



Appeal Decision

Site visit made on 3 September 2019

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 2nd January 2020

Appeal Ref: APP/G2815/W/19/3231969

Spennwood, Alexandra Road, Rushden NN10 0HY

- 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 Jwanczuk against the decision of East Northants District Council.
 - The application Ref 19/00206/FUL, dated 1 February 2019, was refused by notice dated 5 June 2019.
 - The development proposed is the erection of two dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the appeal proposal on the safe and efficient operation of the access provision in the vicinity of the appeal site.

Reasons

3. The appeal site is an area of land towards the end of Alexandra Road, which is a drive off the A6 road which serves a number of dwellings and business premises. The drive is surfaced but it is subject to some uneven sections.
4. The drive would form the sole vehicular, pedestrian and cyclist access to the proposed dwellings. The majority of the drive is of a single car width. Implemented planning permissions¹ for two dwellings included the provision of a vehicle passing point using a property access which lies approximately halfway along the drive. My attention has not been drawn to any other areas which serve as formal passing places for vehicles or refuges for pedestrians or cyclists.
5. Other opportunities for vehicles to pass on the drive are consequently restricted to the informal use of property accesses or of adjacent land, both of which are likely to be privately owned and which consequently carry no guarantee of availability. Furthermore, ridges are regularly present between the drive and the adjacent land, reducing its suitability for informal use for passing.
6. Thus, where two vehicles meet, the drive's restricted width would generally necessitate a reversing manoeuvre on the part of one driver. This would carry increased risks to both motorists and other users of the drive irrespective of

¹ Local Planning Authority Refs: 15/02264/OUT & 16/01270/REM, 15/02265/OUT & 16/01961/FUL

the vehicle speed involved, because the visibility available to drivers is impeded in such manoeuvres. It would also impede the passage of emergency service vehicles along the lane, with a resulting adverse effect on their ability to respond to incidents.

7. Land adjacent to the drive is likely to be too uneven to provide safe refuge for even a mobile single pedestrian in the event of a passing vehicle. Pedestrians, cyclists, wheelchair users, people with mobility scooters and those accompanied by small children and/or pushchairs would therefore have limited points of refuge for a considerable distance of the track. In the event of a vehicle meeting one of these types of users, one party would generally need to reverse or to retrace their steps due to the lack of sufficient track width to pass concurrently and in safety.
8. Moreover, as set out above, the adjacent land is likely to be private and therefore carries no guarantee of permanent availability for such refuge. Thus, the appeal does not demonstrate that any concurrent passage for pedestrians or cyclists and vehicular traffic would be available along the majority of the track.
9. There is some evidence that larger vehicles also use the drive for access to commercial premises. Reversing would be additionally challenging for such vehicles due to their greater size and reduced manoeuvrability. Given the narrow width of the road and the lack of footways or street lighting, such manoeuvres by larger vehicles would represent a particular hazard to other road users such as pedestrians and cyclists, with limited areas of available refuge.
10. Whilst improvements to the drive's surface appear to have occurred relatively recently, there is minimal evidence of any ongoing arrangements for its maintenance before me. The appeal proposes the construction of two dwellings of a four bedroom or greater size. It is therefore likely that it would result in a significant intensification of use of the drive. This would result in additional deterioration of its surface which, without any assurance of future maintenance, may not be rectified.
11. The standard of the surface prior to the recent improvements was considered to be unsuitable for refuse collection vehicles. The Council's waste section indicates that its staff would not travel along the drive if its surface were of an unsuitable standard which could damage vehicles. If this were the case, residents would need to drag bins for some significant distance to the junction of the drive with the highway for collection from a surfaced adjacent point, which would need to be made available. This is an arrangement which would result in regular inconvenience to residents given the distance involved, and there is no guarantee that a suitable collection point could be provided.
12. Inconvenience would also arise to all users of the drive if the surface deteriorated once more, due to the additional difficulties in navigating resulting ruts, potholes and unevenness.
13. The site has extant planning permission for a single dwelling, which was granted on appeal². As the scheme in question is for a similar type of development to that currently proposed and a reasonable period of time

² APP/G2815/W/17/3188861

remains for a reserved matters application to be made to the Council, I consider that there is a reasonable possibility that the extant permission might be implemented. Therefore the extant permission represents a realistic "fallback" position for the current proposal.

14. However, as the permitted scheme relates to one four bedroom dwelling only, it would result in less use of the drive than the appeal proposal, which proposes the addition of a substantial dwelling which carries the potential to increase vehicular trips along the drive by a considerable level. The permitted scheme would have a less harmful effect as a result of this material difference. Furthermore, whilst the Inspector concluded that the addition of one dwelling would be unlikely to result in an adverse impact on highway safety, he considered that a point could be reached where the intensification of the use of the road would no longer be safe, which is my conclusion on this proposal.
15. As a result of the above factors, the proposal would cause unacceptable harm to the safe and efficient operation of the access provision in the vicinity of the appeal site, because the resulting additional vehicular manoeuvres would increase the level of risk to users of the access, and because of the inconvenience which the above factors would cause to occupiers. The proposal would therefore conflict with Policy 8 (b) (i) and (ii) of the North Northamptonshire Joint Core Strategy (2016), which state that development should make safe and pleasant streets and spaces by prioritising the needs of pedestrians and cyclists and resisting developments that would prejudice highway safety, and that it should ensure a satisfactory means of access. This policy is generally consistent with the National Planning Policy Framework (2019), which states that development should only be prevented or refused on highways grounds if, amongst other matters, there would be an unacceptable impact on highway safety.

Other Matters

16. I am aware that a contribution has been made by the appellant in relation to potential effects of the proposal on the Nene Valley Gravel Pits Special Protection Area. However, as I am dismissing the appeal on the main issue for the reasons above, I have not considered this matter further.
17. I acknowledge that the site is surrounded by the Rushden Sustainable Urban Extension area and that the Council considers its location to be acceptable as part of this expansion area. However, this is a relatively neutral matter which does not overcome the unacceptable harm identified above.
18. The appellant refers to lapsed planning permissions³ for four dwellings off the same drive. It is submitted that the subsequent implemented permissions for two dwellings render the appeal scheme acceptable because it would bring the total resulting development to four dwellings, the original number permitted under the lapsed schemes.
19. Only limited details of any of the schemes concerned are before me, such that I am unable to make a full comparison with the appeal proposal. Notwithstanding this, the earlier two schemes included some proposed widening of the drive. The later schemes did not include this, as it had then been found not to be possible. Thus, the earlier schemes were determined on

³ LPA Refs: 11/01871/OUT and 14/02080/OUT

the basis of an improved access, and therefore they do not justify the same level of development by the addition of the appeal scheme, given that it entails a lower standard of access. The schemes for four dwellings and the appeal scheme are therefore not comparable. As such, I attach only minimal weight to the relevance of the earlier schemes in determining the appeal.

20. Similarly, the contention that the drive has historically supported a greater level of use is unsupported by any substantive evidence. However, each scheme must be determined on its merits and a previous situation cannot provide automatic justification for a contemporary proposal, given that circumstances, including the policy background, will inevitably have changed over the intervening period. In view of this, I am unable to conclude that the historic use of the drive justifies a proposal which I have found to result in unacceptable harm.
21. The appellant states that there have been no recorded accidents for a recent 10-year period along Alexandra Road. Nevertheless, this submission cannot provide confirmation of the appeal scheme's future effect on the safe and efficient operation of the access provision if allowed, which is the issue I must consider here.
22. The appellant submits that the development's appearance and effect on the privacy of neighbouring occupiers would be acceptable. If I were to accept that this were the case, these would be neutral matters in the overall planning balance.
23. In refusing permission the Council relies in part on the Highway Development Management Strategy (2013). Notwithstanding this, the section of this document which is relied on is not before me. As a result, I can attach only minimal weight to its relevance in determining the appeal.

Conclusion

24. For the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR