



Appeal Decision

Site visit made on 15 September 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2020

Appeal Ref: APP/V2825/W/20/3253575

Land to the south west of Lutterworth Road, Northampton NN1 5JR

- 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 M Upparlapalli - Madhu Developments Ltd against the decision of Northampton Borough Council.
 - The application Ref N/2020/0251, dated 26 February 2020, was refused by notice dated 23 April 2020.
 - The development proposed is outline planning permission for erection of 4no. dwellings with all matters reserved except access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is in outline form with all matters of detail reserved other than means of access. I have therefore considered the layout, footprint and elevations of the dwellings shown on the submitted drawings as being indicative only for the purposes of my assessment.
3. The appellant has provided an updated highway statement as part of the appeal. Given the quantum of development and access points are unaltered and that this information relates to the substantive issue, I consider no party would be prejudiced by me taking this information into account.

Main Issue

4. The main issue is whether or not the proposal would provide safe and suitable access.

Reasons

5. The appeal site is situated behind the terraced dwellings on Lutterworth Road and Barry Road, and is accessed via unadopted lanes taken off these roads. Speed limits of 20mph as well as speed restriction cushions are in place on Lutterworth Road and Barry Road close to the respective entrances to the site. Although only a snapshot of the parking situation in the area, at the time of my visit, I noted the prevalence of on-street parking on Lutterworth Road and Barry Road including close to the points of access to the appeal site.
6. I have taken the likely traffic generation put forward in the appellant's Transport Statement into account. However, the appellant's evidence also confirms that the lanes are already in regular use. No substantive evidence has

been provided, for example in the form of survey information, to give a clearer understanding of the existing levels of usage. Even a relatively modest intensification of use of the lanes by occupants of the dwellings and their visitors has the potential to increase the likelihood of vehicular conflict.

7. Substantial sections of the lanes are bordered either by buildings or boundary treatments. Consequently, the width of the lanes to these sections is such that two cars could not comfortably pass alongside each other. In instances where vehicles travelling in opposite directions were to meet close to one of the access points, there is the possibility that vehicles would be required to reverse to a wider section of the lane to allow safe passage. Alternatively, vehicles turning in to the site from Lutterworth Road or Barry Road would potentially obstruct the highway whilst waiting for exiting vehicles to leave the site. The constrained and unlit nature of the lanes and lack of segregation between motorists and pedestrians raises further concerns as to their suitability as a primary point of access for the dwellings. These factors have the potential to cause inconvenience for users of the lanes and adjoining roads.
8. The appellant's highway statement includes a plan showing visibility splays at the access points. I noted for myself on site that the access point onto Lutterworth Road is flanked by a garage on one side. Similarly, on exiting the proposed access lane onto Barry Road, the brick boundary wall to one side is at a height likely to impede driver visibility. In both instances the height and proximity of these features has the potential to restrict visibility for drivers exiting the site particularly in terms of pedestrians walking towards the site from the direction of Billing Road.
9. Given the high propensity for on-street parking on both Lutterworth Road and Barry Road, and that this can take place close to the proposed egress points, there is also the potential for parked vehicles to obstruct visibility for drivers exiting the site in terms of any oncoming traffic. As a result, even accounting for the existing measures in place to restrict speeds on these roads, drivers would not always be provided with optimum sight lines to ensure vehicles could safely exit the site.
10. Even if there are no recorded accidents on the highway in the vicinity of the site, the above factors mean an intensification of use of the lanes has the potential to increase the risk of collision for drivers and pedestrians on Lutterworth Road and Barry Road.
11. The appellant suggests that sections of the access would be resurfaced by the appellant. However, a condition requiring such works to be undertaken would not provide the certainty required to ensure that future occupants of the dwellings would be bound into making on-going financial contributions towards its long-term future maintenance. Such arrangements could only be secured with precision and enforceability as part of a planning obligation. No such obligation is before me and this also weighs heavily against the proposal.
12. In regard to there being no minimum standards for streets and access in the Manual for Streets (2007) / Manual for Streets 2 (2010) (MfS), whilst a material consideration, the MfS does not go as far as advocating narrow shared surfaces regardless of the site-specific circumstances. My attention has also been drawn to a third access point, also taken from Barry Road. However, this does not overcome the deficiencies identified in terms of the proposed access points. In any case as the third access point does not form part of the

appeal site, the unfettered future ability for occupiers of the development to utilise it is uncertain.

13. I conclude that the development would not provide a safe and suitable access and has the potential to have an unacceptable impact on highway safety. In that regard, the development would conflict with Paragraphs 108, 109 and 127 of the National Planning Policy Framework (the Framework). These paragraphs include amongst other things that development should provide safe and suitable access, should function well and add to the overall quality of the area, not just for the short term but for the lifetime of the development.

Planning Balance and Conclusion

14. The Council has confirmed that it cannot currently demonstrate a five-year housing land supply. Paragraph 11d of the Framework and the presumption in favour of sustainable development is engaged and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
15. The site is sustainably located and would reuse a currently vacant site with the potential to result in environmental improvements given the dwellings and their curtilages would be occupied and maintained. The development would make a modest contribution towards the Council's housing targets through the provision of 4 additional residential units and has the potential to have some modest economic benefits through the development itself and the expenditure in the area of additional occupants. There would also be security benefits in terms of increased natural surveillance as a result of the land being occupied.
16. However, the harm identified in terms of the lack of a safe and suitable access for future occupants of the dwellings and the conflict with national policy is a matter which significantly and demonstrably outweighs the modest benefits of the proposal when assessed against the policies of the Framework as a whole.
17. For the above reasons the appeal is dismissed.

M Russell

INSPECTOR