



Appeal Decision

Site visit made on 6 January 2021

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2021

Appeal Ref: APP/V2825/W/20/3259658

39 Cottingham Drive, Northampton NN3 7LD

- 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 Philips against the decision of Northampton Borough Council
 - The application Ref N/2020/0178 dated 13 February 2020, was refused by notice dated 14 July 2020.
 - The development is proposed new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed new dwelling at 39 Cottingham Drive, Northampton NN3 7LD in accordance with the terms of application ref: N/2020/0178, dated 13 February 2020 and subject to the conditions set out below:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P47-2A
 - 3) The materials used in the construction of the dwelling hereby permitted shall match those used in No 39 Cottingham Drive.

Main Issues

2. The main issues are whether the proposal would provide:
 - i) suitable on-plot parking, and if not, the effect of any lack of provision on highway safety; and
 - ii) a safe, convenient and suitable access to the site for all users.

Reasons

Parking

3. The proposal would provide a new dwelling without any on-plot parking. In this respect, it would be contrary to the local parking standards, which would require two off-road parking spaces for the proposal. Due to the lack of provision for on-plot parking, vehicles associated with the proposed dwelling would be required to park on the highway.
4. Cottingham Drive is a traditional suburban road. There are a mixture of house types, many of which benefit from on plot parking. However, there are no

parking restrictions on the highway. The proposal has not been supported by a parking survey to demonstrate that capacity exists for additional parking on the highway, and on this point, the comments from neighbouring residents are noted. However, the Council have also failed to provide any compelling or substantive evidence to suggest that the road could not absorb additional demand.

5. I note the location of the site close to an existing bend in the road. However, I also observed on my site visit that unrestricted parking happens throughout the road and I have no evidence before me to suggest that this demonstrates a highway safety concern. For example, I have no specific information in relation to accident history or that cars parking on the road are restricting the free flow of the highway. Consequently, in the absence of specific evidence to suggest that the road could not absorb additional parking demand, and due to the lack of parking restrictions in the area, I have no reason to find that the lack of on-plot parking would be detrimental to highway safety.
6. Accordingly, I conclude that although the proposal would not provide suitable on-plot parking, this would not harm highway safety. The proposal would therefore comply with Policies S10 and H1 of the West Northamptonshire Joint Core Strategy, Local Plan (Part 1) (2014) (CS) and guidance contained within the Northamptonshire Parking Standards (2016) and the Northampton Parking Standards (2019). Taken together, these seek amongst other things, sustainable development which makes efficient use of land.

Access

7. The proposed dwelling would be accessed via a pedestrian route that runs directly from the main highway and associated footpath. This access would be identical to the other terraced houses that the proposal would adjoin. I have no evidence before me to suggest that such access arrangements are problematic for the existing dwellings and consequently, there is no compelling evidence to suggest that it would be harmful for future occupants.
8. Accordingly, I conclude that the proposal would provide a safe, convenient and suitable access for all. It would therefore comply with Policies S10 and H1 of the CS which taken together, seek amongst other things, sustainable development which makes efficient use of land and which considers the living conditions for future residents.

Other Matters and Conditions

9. I note the comments in relation to property values. However, this represents a private interest whereas the planning system seeks to protect public interest. I also note the comments in relation to construction traffic and noise. Noise and traffic cannot be avoided in construction projects. However, I have no compelling evidence before me to demonstrate that this proposal would be materially different in this regard. Consequently, I find that there is no reason to place restrictions on construction activity.
10. The Council suggest that the appeal site is not within a sustainable location. However, its context is one of traditional suburban development and I have no evidence before me to suggest that this broader environment is not sustainable. Consequently, despite the proximity of the nearest bus stop, the

location of the appeal site would not be materially different to the numerous surrounding houses.

11. In light of my findings set out above, conditions are necessary to establish the time limit for the commencement of development as well as to list the approved drawing numbers. In addition, a condition is necessary to ensure that materials match the existing dwelling.
12. The Council have suggested a condition in relation to site levels however, due to the level nature of the site as well as the development proposed and its clear relationship with the neighbouring dwelling, I find that such a condition would fail the test of necessity. I have also not imposed the suggested condition in relation to future restrictions on Houses in Multiple Occupation. Although I note the Article 4 direction that has recently imposed by the Council, I have no evidence to suggest why this was invoked, or why it is relevant to the development proposed. Accordingly, there is no compelling evidence for such a restriction based on the evidence before me. I also find that there is no compelling evidence to restrict permitted development rights. Such a restriction would therefore fail to fulfil the requirements of the National Planning Policy Framework.

Conclusion

13. For the reasons set out above, the appeal is allowed.

Martin Chandler

INSPECTOR