



Appeal Decision

Site Visit made on 15 June 2021 by John Gunn DipTP, DipDBE, MRTPI

Decision by M Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2021

Appeal Ref: APP/L2820/D/21/3270094

17 Kettering Road, Burton Latimer, NN15 5LP

- 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 P Chamberlain against the decision of Kettering Borough Council.
 - The application Ref KET/2020/0659, dated 18 September 2020, was refused by notice dated 22 February 2021.
 - The development proposed is New Access.
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Decision

1. The appeal is allowed, and planning permission is granted for New Access and alterations to land levels at 17 Kettering Road, Burton Latimer, NN15 5LP in accordance with the terms of the application, Ref KET/2020/0659, dated 18 September 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan & block plan 01-19-00, Proposed access 01-19-03 C and Vehicle tracking 414-02.
 - 3) Before the development hereby permitted is first occupied or used, space for the loading, unloading, parking, and manoeuvring of vehicles shall be provided within the site in accordance with the approved plans and shall thereafter be retained and kept available for such purposes.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Applications for costs

3. An application for costs was made by P Chamberlain against Kettering Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

4. The application was determined by Kettering Borough Council, which has since become part of a new combined authority, North Northamptonshire Council. The development plans for the individual areas within the new authority remain in force until replaced, and I have therefore determined the appeal on this basis.

5. The Council's decision notice amends the description of the proposal to read 'New Access and alterations to land levels'. The appellant has used the same description as the Council, on his appeal form, and therefore it is not unreasonably assumed that both parties are content with the amended description. Consequently, the appeal has been determined based on the revised description.

Main Issue

6. The main issue is the effect of the proposal on highway safety.

Reasons for the Recommendation

7. The appeal property is a detached dwelling, located close to the village centre. At the time of my visit it had a vehicular access, via an archway set within buildings fronting onto Kettering Road (KR), and shared forecourt parking with another dwelling. The appeal site backs onto Spring Gardens (SG).
8. The proposed access would enable an area to the rear of the host dwelling, which is currently used as garden space, to be used for the parking of the appellant's vehicles. It would connect to a short, gated cul-de-sac, that branches off the main part of SG, and serves 4 large modern detached dwellings, all of which have off road parking. The ground level of SG lies below the appeal site and engineering works would be required to facilitate the proposed access and the associated parking spaces. It would also result in the removal of a number of coniferous trees that combine to create a solid hedgerow at the head of the cul-de-sac.
9. I note the Council's opinion that the access and parking arrangements would not allow satisfactory manoeuvring of vehicles. However, there is limited evidence before me to support this assertion. From the submitted drawings, which include details of the vehicle tracking for the type of domestic vehicle that would normally be expected to use the drive and associated parking spaces, and from what I saw on my site visit, I consider that vehicles would be able to access the site without significant difficulty, turn around and exit in a forward gear.
10. I acknowledge that, if the appeal were to be allowed, there would be occasions when larger vehicles, including delivery vans, might seek to access the appeal property from SG. The Council accepts that the number of additional delivery vehicles etc. serving one property would be unlikely to increase so significantly as to result in a detrimental impact on neighbouring properties. In this regard I agree with their assessment of the situation that would be likely to arise.
11. Furthermore, if drivers of larger vehicles were to seek access the appeal site via SG it is unlikely that they would use the proposed drive in order to park and manoeuvre. Whilst this may cause some short term inconvenience to other road users it would be no different to vehicles visiting other properties within SG. Moreover, they would be able to utilise the turning head within SG which is of a size that would enable larger vehicles to turn and exit the cul-de-sac in a forward gear.
12. At the time of my site visit I noted that some limited on street parking was taking place on SG, but access to the point where the proposed access would join the cul-de-sac was unobstructed. I acknowledge that this only represents a snapshot in time, and parking requirements would be likely to increase during

the evening and at weekends. However, even at peak times, it is likely that there would still be capacity on private drives and elsewhere within the cul-de-sac to ensure there would be reasonable access to the appeal property and other properties within in SG.

13. Paragraph 108 of the National Planning Policy Framework states that development should ensure safe and suitable access for all users. Furthermore, Paragraph 109 of the Framework states that development should only be prevented if there would be an unacceptable impact on highway safety.
14. I acknowledge that, in the absence of visibility splays, views for drivers emerging from the appeal site would be restricted. However, given the number of dwellings served by the cul-de-sac, and the location of the proposed access within it, pedestrian or vehicular activity in the vicinity of the proposed development is likely to be limited. Moreover, drivers would be accustomed to their surroundings and would be likely to drive with a degree of caution with low vehicle speeds. Consequently, I find that the proposed development would not result in an unacceptable impact on highway safety.
15. In reaching my conclusions I have also taken into account the views of the Highway Authority who, having advised that visibility splays should be provided, acknowledge that they cannot insist on their provision given the status of the cul-de-sac.
16. Accordingly, the proposal would not result in harm to highway safety. Therefore, it would not conflict with Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031, which amongst other matters, seeks to create safe and pleasant streets by resisting developments that would prejudice highway safety.

Other Matters

17. The Council's committee report indicates that the appeal site lies on the edge of the Burton Latimer Conservation Area. It indicates that the proposed access would not be visible from the public realm within the conservation area and concludes that it would have an acceptable impact on the character and appearance of the area. In this regard I agree with their view.
18. I note the concerns of third parties with regards to security, including access to the gated road. From what I saw on my site visit it was evident that access to SG from KR would be limited by existing security features and would be subject to high levels of natural surveillance. Furthermore, access to the gated road from the main part of SG would continue to be restricted by the existing gates, which would only be accessible to permitted parties. This would be no different to the current situation.
19. With regards to drainage, I note that this is not included as a reason for refusal by the Council and no evidence has been put before me to demonstrate that the proposed development could not be carried out without serious harm to road users. Consequently, I give this matter no significant weight.
20. I also acknowledge the matters raised by third parties relating to legal restrictions imposed on the appellant. However, these are civil issues relating to private legal rights and are not matters that can be considered or prevent the determination of the planning appeal.

Conditions

21. The Council has suggested several conditions it would wish to see imposed in the event that the appeal was allowed. I have considered these against the guidance set out in the Framework and the Planning Practice Guidance.
22. To ensure that the development is undertaken as approved, a condition referring to the approved plans is necessary.
23. A condition requiring the provision of the parking/manoeuvring area prior to the commencement of use of the access, and its subsequent retention, is also considered necessary.
24. Given the scale of the works proposed, which is comparable to that of a domestic extension, a condition restricting the times when works, which would result in noise nuisance, could be carried out is not considered reasonable or necessary. In any event pollution, including noise, arising from development can be controlled under other legislation should the need arise.
25. I have not included a condition regarding materials as the standard condition relates primarily to buildings. In any event the materials proposed are specified on the approved plans.

Conclusion and Recommendation

26. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should be allowed subject to the conditions set out above.

John Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

27. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed with the recommended conditions.

M Seaton

INSPECTOR