



Appeal Decision

Site Visit made on 1 July 2021

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 July 2021

Appeal Ref: APP/L2820/D/21/3269376

187 Stamford Road, Kettering NN16 9SU

- 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 Mrs Sonia Guru-Singh against the decision of Kettering Borough Council.
 - The application Ref KET/2020/0082, dated 5 February 2020, was refused by notice dated 10 February 2021.
 - The development proposed is curb to be dropped for driveway entrance.
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Decision

1. The appeal is allowed and planning permission is granted for creation of vehicular access at 187 Stamford Road, Kettering, NN16 9SU in accordance with the terms of the application, Ref KET/2020/0082, dated 5 February 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three 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 at 1:1250 scale, block plan at 1:500 scale and proposed drive + access plan at 1:250 scale.
 - 3) Details of a positive means of drainage to ensure that surface water from the vehicular access does not discharge onto the public highway shall be submitted to and approved in writing by the local planning authority before it is installed. The development shall be carried out in accordance with the approved details prior to the first use of the parking area and maintained as such thereafter.

Procedural matter

2. In the decision above I have used the description of development given on the Council's decision as this describes the proposal more concisely than the descriptions used on the application and appeal forms.

Main Issue

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

Reasons

4. The appeal site accommodates a mid-terraced house on the northwest side of Stamford Road which is subject to a 30mph speed limit in front of the appeal site. Although the front garden is already used informally for vehicle parking, the proposal is to formalise this and drop the kerb in front to allow convenient

- vehicular access. All six of the dwellings in the terrace already use their front gardens for parking with drop kerbs in place at Nos. 183, 189 and 193.
5. Between the site and the road there is a grass verge, then the pavement, then another grass verge, then a public parking layby. As a result, cars waiting to join the road from the site would be positioned across these open public areas. Visibility to the north is good. Visibility to the south is more restricted by the presence of a large tree, a short circular pedestrian sign, and occasionally by cars parked on the grass verge in front of Nos. 181 and 179. However, due to the combined depth of the verges and pavement and because of the slight curve in the road, users emerging from the site can see considerably further along the road than the 43m required by the Council before reaching the main carriageway. As such, despite the obstructions, sufficient visibility in this direction is achievable. The local highway authority (LHA) has suggested that to facilitate the development the tree will need to be removed and that the pedestrian sign may not be able to be re-sited. Nonetheless, these are matters between the parties and have no bearing on my assessment of the planning merits of the development.
 6. The plans show one parking space to be provided on the appeal site. The dimensions of the space are such that cars could not enter and leave the site in a forward gear. The LHA advise that, as Stamford Road is a principle road, all turning manoeuvres should be within the site. However, cars would be able to reverse from the site onto the public parking layby (or vice versa) which would most likely be vacant as, to the south it is too shallow to fully accommodate a parked car, and to the north is in front of the dropped kerb at No. 189. As such, the risk from such manoeuvres to the safety of pedestrians or other road users on Stamford Road would be minimal.
 7. The dropped kerb would result in the loss of parking space in the layby for probably one car. At the time of my mid-morning site visit I saw that this layby was wholly vacant. I would anticipate that during the evenings the demand for parking would be higher, but as all the other houses in the terrace have their own off-street parking and as there are no other houses nearby which would be likely to rely on this layby for parking, I would not consider the loss of one public space would materially increase parking pressure in the immediate vicinity.
 8. In summary, the proposal would not cause harm to highway safety. It would therefore accord with policy 8 of the North Northamptonshire Joint Core Strategy which aims to ensure that development has a satisfactory means of access and provision for parking and manoeuvring.

Conditions

9. I have considered the Council's suggested conditions. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to more closely reflect the advice in the National Planning Policy Framework and the Planning Practice Guidance.
10. The standard commencement of development condition and the condition identifying the approved plans are necessary in the interests of certainty. In the interests of highway safety, I have also imposed the suggested condition requiring that details of the drainage of the parking area be submitted, so as to prevent the discharge of surface water over the pavement and road.

11. The Council have suggested a condition requiring the tree to the south of the site and on land owned by the LHA be removed before development takes place. As I do not consider this tree to be a significant obstacle, it is not necessary for this to be subject of a planning condition, notwithstanding the fact that the LHA may require it to be removed.
12. It is also not necessary to impose the condition relating to the visibility splays. The vehicular splays are wholly within the public realm, and, despite those shown on the plans, a pedestrian splay of 2m x 2m from the back edge of the pavement would be over the grass verge, not the appeal site. The condition requiring the parking area to be hardsurfaced is also unnecessary.

Conclusion

13. The development accords with the development plan taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is allowed.

A Owen

INSPECTOR