



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/21/3271065

100 Stamford Road, Kettering, Northamptonshire NN16 8LN

- 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 Elena Koliqi against the decision of Kettering Borough Council.
 - The application Ref KET/2020/0729, dated 16 October 2020, was refused by notice dated 1 March 2021.
 - The development proposed is creating access for 2 cars on driveway.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of access for 2 cars on the driveway at 100 Stamford Road, Kettering, Northamptonshire, NN16 8LN in accordance with the terms of the application, Ref KET/2020/0729, dated 16 October 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, JG01 Rev 2, JG02 Rev 1 and JG03.
 - 3) No use of the site for vehicle parking shall commence until pedestrian visibility splays of 2 metres by 2 metres have been provided as shown on approved plans Nos. JG02 Rev 1 and JG03. No structure or erection exceeding 0.6 metres in height shall be placed within the visibility splays.
 - 4) Any gates provided shall be set back a distance of 5 metres from the edge of the vehicular carriageway of the adjoining highway and shall be hung so as to open inwards into the site only.

Main Issue

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

Reasons

3. The appeal site accommodates a mid-terraced property on the southeast side of Stamford Road. Outside of the property, stretching along this part of the road, there is a layby providing spaces for the public to park parallel to the road. At the time of my mid-morning site visit this was heavily parked. On the opposite side of the road there is another public parking layby which is slightly deeper and allows for chevron parking. This was also substantially occupied at the time of my site visit. I would anticipate that at peak times, in the evenings,

these public parking areas are fully occupied, particularly because very few of the properties nearby have their own off-street parking. Added pressure on on-street parking could lead to cars being parked in positions which would compromise highway safety.

4. The proposal would provide two off-street parking spaces for the appellant, who it is stated, has two cars. Conversely, it would prevent a car being parked in the section of layby directly in front of the access. Clearly spaces available to the general public are valuable to surrounding residents, whereas those on the appeal site are not. However as the proposal would allow for two vehicles to be removed from the public parking areas, the proposal would, in theory, free up an extra on-street parking space for other neighbouring residents to use, even accounting for the space lost in front of the access.
5. The proposal would not therefore lead to added pressure on on-street parking and so would not risk highway safety. It would accord with policy 8 of the North Northamptonshire Joint Core Strategy which aims to ensure that development does not prejudice highway safety.

Other matters

6. There is a concern that the proposal could lead to flooding of neighbouring properties. However, the proposal includes for a linear drain along its frontage. I have no reason to consider this would not be sufficient for the proposal, and the lack of objection from the local highway authority on this point supports my view.

Conditions

7. 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.
8. The standard commencement of development condition and the condition identifying the approved plans are necessary in the interests of certainty. I have not included, in condition 2, the site plan or the car turning plan listed on the Council's decision, as the details shown on these drawings are more clearly shown on drawings JG02 Rev 1 and JG01 Rev 2 which were subsequently provided to the Council. In the interests of the safety of all highway users, I have imposed the suggested conditions relating to the provision of pedestrian visibility splays and entrance gates.

Conclusion

9. 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