



Appeal Decision

Site visit made on 1 November 2021

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2021

Appeal Ref: APP/V2825/D/21/3278551

41 Park Avenue North, Northampton NN3 2HT

- 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 S McManamon against the decision of West Northamptonshire Council.
 - The application Ref N/2021/0171, dated 4 February 2021, was refused by notice dated 15 April 2021.
 - The development proposed is a footway vehicle crossover.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The proposal would result in the use of the front garden of the dwelling for parking. The vehicle tracking plan shows that a vehicle could turn within the site. This would require the full extent of the area with the vehicle shown to be almost touching the building and boundaries. However, with some additional manoeuvring, it is likely that drivers of most vehicles would be able to turn within the site, although the challenge of this very tight manoeuvre may not be attractive to all drivers. The ability to carry out this manoeuvre would also depend on the full extent of the area being kept clear.
 4. It is evident that two vehicles could park within this area which would prevent any turning manoeuvres and drivers would have to either reverse in or reverse out. Whilst I have no reason to believe that the appellant would use the facility other than as proposed, any permission would relate to the land rather than the current occupier. Given the size of the house and the accepted level of parking stress, the future potential for vehicles to reverse from this parking area cannot be ruled out.
 5. The risks of roadside parallel parking are referred to by the appellant. The lack of accident records, including with regard to the area of this road to the north where there are a number of similar crossovers, is also referenced. However, as the only accidents described by the appellant are associated with junctions
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and roundabouts, this similarly suggests that parallel parking has not been a significant safety concern. However, I am satisfied that a vehicle entering the main carriageway between parked vehicles in a forward gear would not be significantly more harmful with regard to highway safety concerns.

6. Pedestrian-driver intervisibility could be achieved by restricting the width and position of the access point. This would add further to the manoeuvring challenges and further restrict the potential for greenery within this front garden area.
7. Overall, whilst it may be possible to use this proposed facility in a safe manner, a vehicle reversing into the main carriageway between parked vehicles would result in increased highway safety concerns. A condition seeking to control the manoeuvring of drivers within this property or restricting parking numbers has not been suggested and I am not satisfied that such a condition would meet the necessary tests. Given the lack of any controls with regard to these matters, the proposal would increase the potential for harm with regard to road safety. There would therefore be conflict with Policy S10 of the West Northamptonshire Joint Core Strategy 2014 which seeks high standards of sustainable design incorporating safety and security considerations. This is consistent with the aspirations of the National Planning Policy Framework and can be afforded full weight.
8. The proposal would bring benefits with regard to the ability to use a more sustainable source of energy. This is a matter that weighs in favour of the proposal and gains support from the Framework.
9. Reference has been made to other dropped kerbs along this road. These are not in close proximity to this site. It is suggested by the appellant that the dismissed appeal in 2002 relating to 6 Park Avenue North is not directly relevant but no reference is made to the five other refusals listed by the Council. Permission was granted at 136 Park Avenue North under a 2016 reference. It does appear that there are similarities with that permission although that property is close to the concentration of similar access points just to the north. Furthermore, I am unaware of the full circumstances that led to that single approval. Whilst that decision offers some weight in favour of this proposal, I am not satisfied that overall, the Council has been inconsistent in its approach given the number of other refused applications.
10. Whilst there are some matters that weigh in favour of the proposal, particularly the potential for the use of an electric charging point, these matters are not sufficient to outweigh the potential increase in highway safety concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR