



Appeal Decision

Site visit made on 23 November 2021

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2021

Appeal Ref: APP/G2815/D/21/3279386

77, Wellingborough Road, Rushden, Northamptonshire NN10 9YG

- 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 Jack Watson against the decision of North Northamptonshire Council.
 - The application Ref NE/21/00468/FUL, dated 5 May 2021, was refused by notice dated 24 June 2021.
 - The development proposed is drop kerb to access front driveway.
-

Decision

1. The appeal is allowed and planning permission is granted for a drop kerb to access front driveway at 77, Wellingborough Road, Rushden, Northamptonshire, NN10 9YG in accordance with the terms of the application, Ref NE/21/00468/FUL, dated 5 May 2021, 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: TQRQM21120103409305 and TQRQM21075131736264.

Main Issue

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

Reasons

3. Wellingborough Road is a major route into Rushden town centre. The site is on the south-west side of the road and sits in a row of six dwellings of which three already have dropped kerbs in front of them. There is also a row of houses on the opposite side of the road of which many have dropped kerbs. At present, vehicles accessing the site's existing driveway use the dropped kerb at No. 79 and drive for a short distance along the wide pavement.
4. The proposal would allow for vehicles to turn directly from the road onto the driveway. Vehicles approaching from the north may need to wait for the northbound carriageway to be clear before turning right into the site, which would block southbound traffic temporarily. However, as the driveway would serve just one house, the frequency of this happening would be very limited and so would not interrupt the free flow of traffic excessively.
5. Moreover, this must already occur for three of the other houses in the row, and would also happen at the houses opposite where cars approaching from the

south and turning right may hold up northbound traffic temporarily. Consequently, the proposal would provide a form of development that is already a common feature of the highway environment at this location.

6. I would also anticipate that southbound traffic near the site would naturally be slowing down as it approaches the roundabout junction and therefore the presence of a stationary vehicle waiting to turn would most likely not result in traffic braking suddenly.
7. As cars turning right would not be unexpected and as drivers would be slowing down anyway, the provision of the drop kerb would not result in there being a materially increased risk to highway safety.
8. It is acknowledged that there is rear vehicular access to the property, but that is no reason to resist the proposal if it is safe.
9. Overall, the development would not represent an unacceptable risk to highway safety. It would therefore accord with policy 8 of the North Northamptonshire Core Strategy which aims to ensure that a satisfactory means of access is provided to developments.

Conditions

10. I have imposed the conditions suggested by the Council relating to the commencement of development and specifying the approved plans. These are both necessary in the interests of certainty. The comments on the application from the Head of Transport seem to identify some conditions, should planning permission granted, relating to pedestrian visibility splays, entrance gates and the surface of the driveway. However, these would all relate to the driveway, which is not part of the proposal, not the permitted dropped kerb. As they would not be relevant to the development to be permitted they would fail to pass the test in paragraph 56 of the National Planning Policy Framework, and so I have not imposed them.

Conclusion

11. The proposal would accord with the development plan as a whole. Therefore, for the reasons given, the appeal is allowed.

Andrew Owen

INSPECTOR