



Appeal Decision

Site visit made on 14 March 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/M2840/W/21/3284668

9 West Street, Stanwick NN9 6QY

- 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 Lee Hulatt against the decision of North Northamptonshire Council.
 - The application Ref 20/01097/FUL, dated 4 September 2020, was refused by notice dated 21 May 2021.
 - The development proposed is the demolition of existing garage and construction of new bungalow and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has indicated that the appeal site lies within the zone of influence of the Upper Nene Valley Gravel Pits Special Protection Area (SPA). I acknowledge that the appellant has made a payment to mitigate against the impacts of the proposed development. I shall return to this matter later.

Main Issue

3. The effect of the proposal on highway and pedestrian safety.

Reasons

4. The appeal site is located to the rear of 9 West Street. The proposed development would be accessed via a track which leads onto Green Lane; a private road off West Street.
5. The limited scale of the proposed development would generate equally limited comings and goings across the course of a single day. Nevertheless, the Council advise that the number of properties which are currently accessed off Green Lane already significantly exceeds the maximum number permissible off a private drive. I also observed that some of the plots of land adjoining the appeal site, which are also accessed from the track off Green Lane, contain garages used for the parking of vehicles and storage purposes.
6. Green Lane is of limited width along its entire length. In order for two vehicles to pass one would have to mount the footway or the grass verge. I am not convinced that appropriate highway improvements, namely the introduction of passing bays and increasing the width of the lane, could be achieved as part of this proposal considering the uncertainty around land ownership along the length of Green Lane. Given that the numbers of vehicular movements into, out

of and along Green Lane are already higher than what would be expected or appropriate for a lane of the standards of Green Lane, along with the condition and arrangement of the lane, the introduction of an additional property would result in a harmful intensification of use of the lane and thus increased potential for vehicular conflict.

7. I walked and drove the junction where Green Lane meets West Street from all directions. Drivers making a right turn into Green Lane from Spencer Parade would be well positioned in the carriageway so as to have a view of any vehicles on Green Lane which were approaching. Both vehicles would therefore be able to satisfactorily manage their approach into and out of Green Lane.
8. However, as the width of the junction and lane is significantly constrained, when turning left into Green Lane from West Street drivers would only be aware of vehicles approaching the junction along Green Lane once they have begun their manoeuvre. This would result in drivers on either Green Lane or West Street stopping and reversing to allow the approaching vehicle to pass. This arrangement may not raise significant concern on Green Lane given there is good visibility along its length. However, any vehicles which would stop abruptly and reverse back onto West Street would hinder the free flow of traffic on this highway. At the time of my site visit West Street was well used with vehicles continually passing by this junction. Given that West Street appears to be a main thoroughfare between the A45 and Stanwick, there is nothing to suggest my observations were unusual. The sufficient forward visibility for vehicles approaching from the west to see a vehicle emerging from Green Lane does not overcome this concern.
9. For vehicles turning out of Green Lane, the required visibility could be achieved to the east along Spencer Parade. The visibility splay to the west is measured marginally into the carriageway to meet the required distance. Although this approach may be acceptable in this instance, the visibility splay passes through railings which, whilst low in height, are located along a considerable stretch of the footway which is raised above the carriageway. Additionally, I observed that, from the Green Lane junction, the railings appear as a solid block and there are very limited views through to the carriageway beyond. Collectively these factors made it very difficult to observe approaching vehicles and it was only until they were beyond the railings and much closer to the junction that they were readily apparent. The required visibility splay could not therefore be achieved in this direction, which would therefore result in drivers making last minute and potentially dangerous manoeuvres.
10. There have been no recorded accidents within the vicinity of the appeal site over a recent 5 year period, suggesting that Green Lane operates safely to date. Although the proposal itself would result in a marginal increase in vehicular numbers, given that Green Lane already operates beyond recommended capacity and that this is an historic arrangement, this matter does not justify the harm I have found.
11. There is mature landscaping along the western side of Green Lane, thus restricting the visibility for drivers leaving the access track and turning right. Nevertheless, as vehicles approaching the access track would likely be travelling in the centre of the carriageway and at slow speeds, and as the access is adjacent to the turning head, I am satisfied that vehicles leaving the

access track could edge slightly into Green Lane in order to improve visibility without causing detrimental harm to highway safety.

12. I also note the Council's concerns regarding pedestrian visibility however there is good inter-visibility between vehicles and pedestrians on the existing footways due to the central positioning of vehicles on the carriageway. Moreover, vehicles would likely be travelling at slow speeds along Green Lane and when approaching the junction, thus both road users would have sufficient time to observe one another and react appropriately. The potential for collisions between vehicles and people would therefore be limited.
13. It has been suggested that the limitations with Green Lane in terms of its access, width and turning space would create issues with fire appliances accessing the proposed dwelling. Any parked vehicles on Green Lane would hinder access for fire appliances, although this is similar to the existing arrangement. Nevertheless, even once an appliance would reach the top of Green Lane, Northamptonshire Fire and Rescue Service (NFRS) has advised that their appliances would not be able to advance along the access lane to the appeal site. The furthest point they could reach is therefore the top of Green Lane, from which it is still a substantial distance to the proposed dwelling and beyond the recommended limit.
14. The appellant has indicated, through a swept path analysis, that a fire appliance could manoeuvre into the access track in order to get closer to the proposed dwelling. However, the submitted evidence shows that there would be a slight overrun of the footway and grass verge at points along the approach. Accordingly, there would be marginal room for error and, given the uncertainty around ownership of the adjoining land, I am concerned that in practice there would be unpredictable obstacles that would hinder fire fighting at the proposed development.
15. Additionally, concerns have been raised that the swept path analysis is based on a small fire appliance that is not currently used by NFRS. This raises further doubt in my mind that the proposal could be appropriately served in emergencies.
16. Taking all the above into consideration, the proposal would cause unacceptable harm to highway safety. It would therefore conflict with Policy 8(b) of the North Northamptonshire Joint Core Strategy 2011-2031 (2016) and the National Planning Policy Framework which collectively seek, amongst other things, that proposed developments do not prejudice highway safety and ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

Other Matter

17. As I am dismissing the appeal for other reasons there is no need for me, as the competent authority, to carry out an assessment on the likely significant effects of the proposal on the SPA or explore the necessity for undertaking an Appropriate Assessment and secure mitigation where required. Nevertheless, had I done so and found the proposal to be acceptable in this regard, such a finding would not have affected my overall conclusion on this appeal.

Conclusion

18. The proposed development would make a contribution to local housing supply. It would provide a dwelling in an existing residential area close to a range of shops and services. It would create temporary employment opportunities and there would be associated spending in the local area on subsequent occupation of the dwelling. However, given the small scale of the development, I afford limited weight to these benefits.
19. The proposal would harm highway safety which would lead to conflict with the development plan. I afford this harm and conflict substantial weight. Accordingly, material considerations do not indicate that a decision should be made other than in accordance with the development plan. The appeal should therefore be dismissed.

H Ellison
INSPECTOR