



Appeal Decision

Site visit made on 24 May 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2022

Appeal Ref: APP/M2840/W/21/3287257

32 Oakley Road, Corby, Northamptonshire NN17 1NA

- 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 & Mrs Mitchell against the decision of North Northamptonshire Council.
 - The application Ref 20/00059/DPA, dated 12 February 2020, was refused by notice dated 30 September 2021.
 - The development proposed is provision of off-road parking at 30, 32, 34, 36 & 38 Oakley Road, Corby with associated vehicle access off Oakley Road.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development above is taken from the Council's decision notice. The appellant agreed to the change from that on the application form. I am satisfied that neither party is prejudiced by this course of action.

Main Issues

3. The main issues in this appeal are:-
 - The sustainability of the development.
 - The effect of the development on the character and appearance of the area.
 - The effect of the development on the living conditions of neighbouring properties, with particular reference to noise and disturbance.

Reasons

Sustainability

4. The appeal site is located to the rear of a row of terraced properties on Oakley Road, which is a busy dual carriageway. The properties are set back from the highway by front garden areas. A lay-by runs along the front of the properties that is used for informal residential parking, but also contains a bus-stop. The terraced properties have long rear garden areas.
5. The proposal would see land to the rear of the even numbers of 30-38 Oakley Road utilised to form off road parking areas for those properties. Access will be taken between 32 and 34 Oakley Road, under an approved and constructed first floor extension at No 34.

6. A section of the front and rear gardens to 32 and 34 Oakley Road will be removed in order to widen the approach to the through access to 6m in order to allow two vehicles to pass side by side. Under the first-floor extension between Nos 32 and 34, the access will narrow to 3.25m and be for a single vehicle.
7. There would be nine parking spaces provided and sufficient space for a turning area at the rear. This would allow vehicles to enter and exit in a forward gear. The Highway Authority, after initial objections, are in receipt of additional evidence and have requested that the lay-by be shortened to allow for a formal crossover of public highway land.
8. With regard to sustainability, the Council consider that the proposal is not consistent with Policy 1 of the North Northamptonshire Joint Core Strategy (2016) (the JCS) as the site has good access to services, public transport and employment, and the creation of the off-street parking would contradict sustainability objectives by encouraging residents to rely on a private car.
9. The appellant has sought to counteract that by demonstrating a recent approval for a site close to the appeal site for new dwellings, with a considerable level of parking, raising the inconsistencies in the Council's approach.
10. From the limited information supplied, I note that there are significant differences in the two schemes. Nonetheless I find that this appeal scheme is not creating parking for new dwellings, but effectively taking parking off the highway. There is undoubtedly be a need for the occupiers to park a vehicle somewhere close-by and given the level of parking in the lay-by and nearby, it is already an issue.
11. The potential removal of a number of vehicles into an off-street parking court does not add to the issue, merely changes the location of parked vehicles and would not create an additional problem regarding sustainability. Given the sustainable location, it would be the choice of the residents whether to use a private car, just as the existing residents who utilise the lay-by and other nearby areas.
12. As a result, on this issue, I am satisfied that the proposals are consistent with policy 1 of the JCS and that sustainability would not be harmed by the provision of the parking court.

Character and appearance

13. The proposal would see the removal of a significant section of the rear garden areas of the appeal properties in order to accommodate the parking spaces and the turning area.
14. The terraced properties on this section of Oakley Road are characterised by long rear gardens, and the creation of an area in order to provide off-street parking would look incongruous in the locality, where other properties retain long rear gardens, and have not taken the opportunity to create off-street parking to the rear.

15. The introduction of the parking court could create a precedent for parking at the rear. As a stand-alone proposal, the proposal would create an incongruous feature that would be harmful to the character and appearance of the area.
16. As such, on this issue I find that the proposal is contrary to policy 8 of the JCS which amongst other matters, expects development to respond to local topography and the overall form, character and landscape setting of the settlement.

Living conditions

17. The plans before me show that access would pass between 32 and 34 Oakley Lane. The use of this access for nine parking spaces would significantly increase disturbance to the residents of those properties from the daily vehicular movements of five dwellings to the sides of these properties. I cannot be satisfied that the proposal will not cause harm to the occupants with particular regard to noise and disturbance from vehicle movements.
18. Although the level of vehicular activity associated with parking for the five dwellings is unlikely to be high in comparison to vehicle movements on Oakley Road, it would be more intrusive due to the proximity of the access. Whilst it would be possible to surface the access in a material which minimises tyre noise, there would be unacceptable disturbance arising from engine noise, car doors opening and closing and vehicle movements in general.
19. I consider that noise from cars accessing, turning and manoeuvring within the site and utilising the illustrative access road, and using headlights in the hours of darkness, whilst modest, given the proximity, would be detrimental to the living conditions of the surrounding properties. Whilst planting and quality boundary treatment could help to mitigate this effect, I do not have sufficient detail before me to determine the suitability of any such mitigation.
20. My concerns in respect of noise and disturbance from the access bring the scheme into conflict with policy 8 of the JCS which amongst other matters, expects development to protect amenity by not having an unacceptable impact on the amenities of neighbouring properties by reason of noise, vibration, smell, light or other pollution.

Other Matters

21. The appellant has forwarded a number of alternative schemes that have been approved in other locations as support for his proposals. I do not have full details of these schemes or their context. I am required to assess the current scheme on its own merits, and I have identified harm accordingly.

Conclusion

22. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework and its presumption in favour of sustainable development, that outweigh this conflict. For the reasons outlined above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR