



Appeal Decision

Site visit made on 7 February 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2023

Appeal Ref: APP/G2815/W/22/3306369

42 Little Street, Rushden, Northamptonshire NN10 0LS

- 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 Jay Hulatt of J W Building & Groundwork Services Limited against the decision of North Northamptonshire Council.
 - The application Ref NE/22/00464/FUL, dated 5 April 2022, was refused by notice dated 15 July 2022.
 - The development proposed is a new vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the appellant's appeal form, as it more concisely describes the proposed development while the original description contained within the planning application form contains superfluous descriptive content.

Main Issue

3. The main issue is the effect of the proposed development on highway safety.

Reasons

4. The appeal site comprises the host dwelling fronting onto Little Street and land to the rear of the host dwelling located on the corner of High Street South ('the A5028') and Harbrough Road. It is proposed to create a new access onto the A5028 and utilise the land to the rear of the host dwelling for two off-street parking spaces.
5. In front of the proposed access is a right turn onto Greenacres Drive. Therefore, vehicles travelling north along the A5028 would have to cross over it, against oncoming traffic, to enter the proposed access. Due to the high volume and frequency of traffic along the A5028, this would likely lead to vehicles waiting on the A5028 to turn right into the access, obstructing the free flow of vehicles on the classified road, and obstructing the junction of Greenacres Drive. Furthermore, vehicles turning right from the proposed access would conflict with users turning right into and out of Greenacres Drive.
6. The proposed vehicle access would, according to the Council, be positioned approximately 18m from Harbrough Road, significantly below the 25m required by section 4.3 of the Local Highway Authority's (LHA) Standing

Advice¹ (the 'Standing Advice'). This is not disputed by the appellant. The 25m distance is required to ensure that the intentions of vehicles indicating to turn into Harborough Road are clear to other highway users and that vehicular visibility is maintained. A reduction in this distance would therefore cause conflict between the proposed access and other vehicle users.

7. The appellant states that they have 6 vehicles, and that the proposal would remove two of these vehicles from being parked on the surrounding roads. According to the County Council's Parking Standards² (the 'Parking Standards'), parking spaces should measure a minimum of 2.5m x 5m, with residential spaces involving driveways measuring 3m x 5.5m. The proposed parking spaces would not meet either of these dimensions and therefore could not be used for their intended purpose.
8. Concern has been raised regarding conflict between the proposed access and pedestrians using the surrounding pavements. However, the drawing indicates that pedestrian visibility can be achieved, and I note the LHA has not raised an issue in this regard. The appellant has directed me to an existing access onto the A5028 that is adjacent to the appeal proposal. However, this access is sited further away from the junction with Harborough Road, and I have not been provided with details regarding its planning history. In any event, each case must be determined on its own merits.
9. The Council has raised concern that the proposed access would result in the displacement of on-street parking. However, there is nothing before me to suggest there is insufficient parking capacity in the surrounding area or that the displaced parking would lead to a highway safety issue. The appellant suggests that the proposed access would prevent on-street parking from occurring along this part of the A5028, resulting in a benefit to the users of the junction and the pavement. However, there is nothing before me to suggest that the on-street parking that occurs is detrimental to highway safety and I have found that the proposed access would harm highway safety.
10. In reference to the main issue, the proposed development would be harmful to highway safety due to its siting close to the junctions of Harborough Road and Greenacres Drive and an existing right turn on the A5028. It would conflict with Policies 8(b)(i) and (ii) of the North Northamptonshire Joint Core Strategy 2011-2031, adopted 2016 and Policy T1 of the Rushden Neighbourhood Plan, adopted 2018. These policies seek, amongst other things, to resist development that would prejudice highway safety and ensure a satisfactory means of access and parking, servicing and manoeuvring in accordance with adopted standards.
11. The proposal would also conflict with the Council's Parking Standards and Standing Advice. Additionally, it would conflict with paragraphs 110 and 111 of the National Planning Policy Framework which, amongst other things, seek to ensure that safe and suitable access to a site can be achieved for all users, and that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

¹ Northamptonshire County Council Local Highway Authority Standing Advice for Planning Authorities, Domestic Vehicle Accesses Serving 1 to 5 dwellings and Advertisement Applications, adopted June 2016

² Northamptonshire County Council Northamptonshire Parking Standards, adopted 2016

Other Matters

12. The appeal site is adjacent to Rushden Conservation Area (CA), opposite two Grade II listed buildings known as 'The Hayloft' and 'Hill House', and close to the Grade II listed building, 61 Little Street. I therefore have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') to have special regard to the desirability of preserving the listed buildings or their setting or any features of special architectural or historic interest which the listed buildings possess. I also have a statutory duty under Section 72(1) of the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Due to the scale of the proposal and its siting relative to these heritage assets, I do not find harm to the setting of either the CA or the listed buildings.

Conclusion

13. For the reasons given above, the appeal scheme would conflict with the development plan as a whole and there are no material considerations of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

A Berry

INSPECTOR