



Appeal Decision

Site visit made on 14 February 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2023

Appeal Ref: APP/W2845/W/22/3304357

32 Gold Street, Northampton NN1 1RS

- 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 Cetinkaya against the decision of West Northamptonshire Council.
 - The application Ref WNN/2022/0579, dated 16 May 2022, was refused by notice dated 11 July 2022.
 - The development proposed is placement of tables and chairs outside of pavement with retractable awning
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal property comprises a restaurant which is located on Gold Street in a commercial area in the centre of Northampton. The footpath width varies along Gold Street, narrowing to the front of the appeal property to accommodate a loading bay.
4. At the time of my site visit there was a steady flow of pedestrians using the footpath in both directions and a light flow of vehicles and bicycles using the road. I have seen nothing to suggest that my observations are untypical.
5. The proposal would result in the placement of tables and chairs on the pavement, leaving a footpath width of approximately 2 metres. This would create a pinch point on this stretch of footway which could force passing pedestrians onto the adjacent highway. This would increase the potential for conflict between pedestrians and vehicles, thereby compromising the safe operation of the highway.
6. Consequently, the proposal would be detrimental to the safe and efficient operation of the highway. The proposal therefore conflicts with those aims of policy S10 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (2010) and policy 1 of the Northampton Central Area Action Plan (2013) which seek to ensure that development will achieve the highest standards of sustainable design incorporating safety considerations. I also find conflict with Chapter 9 of the Framework, which seeks to ensure development does not have unacceptable impacts on highway safety.

Other Matters

7. I note that a pavement license for the siting of tables and chairs to the front of the appeal site has been granted and that the proposal would increase the capacity of the restaurant which may boost its viability. Furthermore, the siting of the proposed tables and chairs within the street may also boost the vitality of this part of the town centre in accordance with the objectives of Chapter 12 of the Framework which seek to ensure that decisions support the role that town centres play. This weighs in favour of the proposal. Nonetheless, the harm to pedestrian and highway safety would outweigh this benefit.
8. As the appeal site is within the All Saints Conservation Area (CA) and is located close to numbers 37 and 43 Gold Street, grade II listed buildings, I have therefore had special regard to Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires that decision makers pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Further, I have had regard to Section 66(1) of the same act which requires that, when considering planning proposals, decision makers should have special regard to the desirability of preserving listed buildings or their settings.
9. The Council considered the effect of the proposal on the CA and the listed buildings within its Officer Report, setting out why harm would not arise to the character and appearance of the CA and the setting of the listed buildings. I find no reason to take a different view.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

Nichola Robinson

INSPECTOR