



Appeal Decision

Site visit made on 18 July 2023

by J Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2023

Appeal Ref: APP/M2840/W/22/3313602

13 Leys Avenue, Rothwell, Kettering NN14 6JF

- 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 Mrs M Lancaster against the decision of North Northamptonshire Council.
 - The application Ref NK/2021/0584, dated 25 June 2021, was refused by notice dated 30 June 2022.
 - The development proposed is described on the application form as the 'Erection of an infill dwelling served by proposed access gained off Desborough Road.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the area, including the effect of the proposal on the Rothwell Conservation Area (CA); and
 - The effect of the proposed access on highway safety.

Reasons

Character and appearance

3. The appeal site is located to the north west of the town centre and has a frontage onto Desborough Road, the former A6. It lies immediately adjacent to the CA which encompasses the majority of the historic core of the town.
4. The town centre encapsulates the character and identity of the town and comprises a mixture of commercial and residential uses. Almost all of the buildings within the town centre are set close to the back of the pavement and comprise of two and three storey properties constructed of stone or red brick with slate roofs. That said, the properties located on Desborough Road, are of varying age, siting, design and scale and utilise a wide palette of materials. The properties on the west side of Leys Avenue have landscaped rear gardens that front onto Desborough Road and, notwithstanding boundary fences, make a positive contribution to the verdant open character of this part of the town.
5. The alignment of Desborough Road, together with changes in topography creates interesting and changing views as the observer passes along the road. The stone wall located on the eastern side of Desborough Road, which measures approximately 1.5 metres in height, and runs for over 100 metres, is

a prominent historic feature in the locality. Whilst acknowledging that some sections of the wall have been removed to create access points to dwellings at 2, 8, 38 and 40 Desborough Road the wall remains largely intact. It provides a significant visual feature that links the residential areas to the north and the historic centre, and makes a positive contribution to the CA.

6. The proposed dwelling would be sited in the rear garden of 13 Leys Avenue, a short distance back from the edge of the pavement to Desborough Road, in an elevated position. As a result, it would introduce a prominent intrusion into the rear garden of the host property and appear as a discordant feature within an otherwise open, landscaped part of Desborough Road. Moreover, it would involve the removal of part of the stone boundary wall in order to accommodate the proposed vehicular access. This would further diminish the significance of the wall as a heritage feature and increase the prominence of the proposed dwelling, thereby compounding the harmful impact of the proposal.
7. Accordingly, on this main issue, I conclude that the proposal would be harmful to the character and appearance of the surrounding area. Furthermore, it would have a detrimental effect on the character and appearance of the CA. The proposal would therefore be at odds with Policies 2 and 8 d(i) and d(ii) of the North Northamptonshire Joint Core Strategy 2011-2031 (JCS), which, amongst other matters, seeks to secure developments that respond to the site's immediate and wider context and local character, and protects the significance of heritage assets.

Highway safety

8. Desborough Road is a busy road that serves through traffic, being one of the main roads in and out of Rothwell. In the vicinity of the site the road has a speed limit of 30 miles per hour and a curved alignment. The access to the proposed dwelling would be on the inside of the bend. Opposite the site is a bus stop and short private access drive. At the time of my visit the private access drive served the dwelling located at 11 Desborough Road, however I noted that further residential development was under construction adjacent to No 11 with access also from the private access road.
9. The main parties disagree on whether sufficient spacing is provided between the proposed access drive and the existing junction on the opposite side of Desborough Road, and whether sufficient visibility is provided from the proposed access.
10. Whilst noting the Highway Authority's comments, and hence the need for caution, I have no compelling evidence before me to indicate that the provision of a new access diagonally opposite an existing private drive would lead to increased risk of accidents. In particular, no accident records have been provided to inform me as to whether this part of Desborough Road is susceptible to accidents due to existing road conditions. Moreover, it would appear to me that given the limited number of properties that would be served by the proposed drive and the private access road opposite, there would be only a very limited prospect of 'cross movements' between the junctions that would adversely interreact with through traffic. In this regard, I have also taken into account the appellant's reference to the driveways which emerge onto Desborough Road, to the north of the appeal site, which appear to function adequately and without detriment to highway safety. Accordingly, I

am not persuaded that the junction spacing proposed would result in adverse highway conditions.

11. According to the information provided by the appellant's consultants, MTC Engineering, a visibility splay of 2 x 47m can be achieved in a northerly direction. This would meet the highway authority's requirements in that direction. With the realignment of the existing boundary retaining wall, a visibility splay with an 'x' distance of 2m and a 'y' distance between 29.6 and 44.8m, could be achieved in a southerly direction. This would be dependent on the point in the road where the 'y' distance is measured to. The highway authority indicates that based on the 85th percentile speed a 'y' distance of 41m is required 1m from the carriageway edge, which exceeds the 33.6m when measured to the same point, that would be achievable under the appeal proposal.
12. In the absence of any feature to prevent vehicles crossing the centre line of Desborough Road, I have taken a cautious approach to assessing the 'y' distance in a southerly direction. I have also given particular attention to the frequency of vehicle movement using the road. As a result, I find that the access visibility to the south would fall well below the reasonable expectations for a site in this location, and as a consequence there would be an increased danger to road users.
13. Accordingly, on this main issue, whilst I accept that the proposal would not result in a cross road situation, I conclude that the proposed access would, by virtue of limited visibility to the south, result in an unacceptable increase in risk to the safety of road users. Consequently, the proposed development would be contrary to Policy 8 (b) of the JCS which, amongst other matters, resists developments that would prejudice highway safety.

Other Matters

14. The appellant has referred to the dwellings that have been erected at 38 and 40 Desborough Road. Whilst accepting that they have a frontage onto Desborough Road and have resulted in the removal of part of the front wall, I do not consider that their relationship with their neighbouring properties, or the street scene as a whole, is the same as the appeal proposal. Moreover, I am not aware of the circumstances that prevailed at the time that permission was granted for them. Consequently, their presence does not justify the proposal.
15. Furthermore, I recognise that the appellant has endeavoured to design the proposed dwelling in a manner that reflects the appearance, architectural detail and materials that reflect those of surrounding dwellings. However, this attention to detail does not outweigh the harm to the character and appearance of the area that would arise from the proposed development that I have identified above.
16. The Council's delegated Officer report indicates that a grade II listed building, 11 Desborough Road, is located approximately 37 metres from the site. It concludes that, due to the separation distance and siting of the property, there would not be an adverse harmful impact to the character or setting of this heritage asset. From what I have read and seen on my site visit I have no reason to disagree with their view in this regard.

Conclusion

17. There are no other relevant material considerations worthy of sufficient weight that indicate the application should be determined other than in accordance with the development plan as a whole. For the reasons given above, I therefore conclude that the appeal should be dismissed.

J Gunn

INSPECTOR