



Appeal Decision

Site visit made on 23 August 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/W2845/W/23/3316981

1A Pinetrees, Northampton NN3 3ET

- 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 K Parker against the decision of West Northamptonshire Council.
 - The application Ref WNN/2022/1071, dated 21 September 2022, was refused by notice dated 17 November 2022.
 - The development proposed is a detached dwelling and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Northampton Local Plan Part 2, 2011-2029 (LP) was adopted by the Council in March 2023, superseding the Northampton Local Plan, 1997. The Council made its decision before the adoption of the LP and as such the policy was, at that time, emerging policy. However, the LP has now been adopted and both main parties have been given an opportunity to comment on the relevant policies. I have, therefore, given full weight to the relevant LP policies in my decision.
3. From the evidence before me there is no dispute between the main parties as to the acceptability of the scale, design and appearance of the proposed dwelling or its effect on the character and appearance of the area. Moreover, there is no dispute between the main parties on the acceptability of the proposal in terms of its effect on the living conditions of the future occupiers of the property or the occupiers of neighbouring properties. I have, therefore, confined my detailed considerations to the effect of the proposed development on highway safety.

Main Issue

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

Reasons

5. The appeal site is an area of rough ground accessed off a private driveway which also serves as access to numbers 1, 1A and 2 Pinetrees. The private driveway leads off the main section of Pinetrees, which is a residential estate road with the houses set back behind pavements. The private driveway is narrow, slopes down from the main part of Pinetrees and does not have any pavements.

6. Each of the existing three dwellings on the private drive has parking for at least two cars and the drive is of sufficient width to allow vehicles to either reverse park or park forwards and reverse out onto the drive, outside each dwelling. The appeal proposal would also provide two parking spaces, albeit in tandem, and vehicles could similarly reverse in or out of their parking area.
7. Both parties have drawn my attention to the dwelling at 1A, which was approved in 2016, notwithstanding concerns being raised by the Highway Authority. At that time, the Council determined that the proposal would result in a relatively small increase in use of the private driveway and the appellants contend that the current appeal proposal would have a similar, relatively small, increase.
8. However, although the proposal is for one dwelling and would therefore have limited vehicle movements, and even if I were to accept the appellants' evidence of an additional 8-10 vehicle movements, or fewer, over a 24-hour period, there would nevertheless be an increase in vehicle movements. The proposal provides one additional dwelling and would, therefore, have an associated increase in vehicle movements from the occupants, visitors, and deliveries.
9. The proposal, in combination with the vehicle movements from the existing three dwellings, would increase the likelihood of vehicles meeting on the private driveway, even though the travel time along the drive may only be short. The increase in risk of meeting another vehicle would increase the risk of conflict between users of the private driveway. The risk of conflict would also include risks to pedestrians and cyclists due to the shared surface and lack of footpaths.
10. The narrow width of the private drive would result in one vehicle having to reverse, either down to the houses or up and out onto the estate road. Due to the length of the narrow section of the road any vehicle meeting another vehicle, even at slow speeds, would need to reverse a substantial distance. Furthermore, as I observed at my site visit, the bend in the road and the presence of close boarded fences and hedges along the edges of the private drive would not provide good intervisibility. A vehicle wanting to leave from the houses would not be able to see a vehicle entering from the estate road.
11. The visibility to a driver reversing out onto the estate road of Pinetrees would be restricted by the existing boundary fence of the neighbouring property and, in that regard, is different to vehicles reversing off drives to single dwellings on Pinetrees. Moreover, vehicles wanting to enter the private driveway would need to stop and wait on the estate road until any vehicle leaving has departed. These two matters both increase the risk of highway safety implications on the main estate road.
12. The highway authority has recommended that the application be refused, and the third-party representations received advise of existing highway safety issues and inconvenience caused by vehicle movements for the existing three dwellings. Based on the evidence before me and from what I saw on my visit, even though the appellants consider there has not been any inconvenience or highway safety issues, I have serious concerns about the highway safety implications of the additional traffic that would be generated along this narrow road and the potential for conflict between users.

13. The proposed development would result in an increase in vehicle movements along the private drive, which is of a substandard width to provide for vehicles to pass at the point of access from the estate road and has restricted intervisibility. It is the specific circumstances of the length and narrowness of the private driveway, and the cumulative impact of an additional dwelling to the three existing dwellings, which leads me to conclude that the proposal would result in detrimental harm.
14. I find that this harm would result in the development having an unacceptable effect on highway safety within the drive and on the estate road and would fail to comply with Policy MO2 of the LP, which seeks to ensure that developments do not result in unacceptable impacts on highway safety and are designed to allow safe means of access.
15. Furthermore, the proposal would not comply with the Northamptonshire County Council Local Highway Authority Standing Advice for Planning Authorities, Domestic Vehicle Accesses Serving 1 to 5 Dwellings and Advertisement Applications, 2016 (the Standing Advice), which, amongst other matters, seeks to ensure that accesses are wide enough for two vehicles, for the first 10 metres from the highway boundary, so as to allow space for vehicles to pass each other, and not have to stop within the highway.
16. Although the proposal would not result in severe residual cumulative impacts on the road network when assessed against paragraph 111 of the National Planning Policy Framework (the Framework), the scheme would result in increased vehicle movements and adversely affect highway safety, taking into account the advice in Policy MO2 of the LP and the Standing Advice. Accordingly, the proposal would be contrary to the advice at paragraph 110 of the Framework, which seeks to ensure that a safe and suitable access to the site can be achieved for all users.

Planning Balance

17. That there are no issues between the main parties with regard to the effect of the proposal on the character and appearance of the area, the living conditions of the occupiers of neighbouring properties, and that the dwelling could be fitted with a sprinkler system to resolve the concerns relating to fire service access are neutral issues and do not weigh in favour of the proposal.
18. The development would provide one additional house with energy efficiencies and associated social and economic benefits both during and post construction. However, given the small scale of the development these benefits are limited. Nevertheless, these benefits contribute positively and carry limited weight in favour of the proposal.
19. Policies S1 and H1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1), 2014, and Policy HO1 of the LP are the most relevant policies in considering the proposal. However, none of these policies seek to restrict new housing within the development boundary and they are all, therefore, consistent with the Framework, when taken as a whole. Although the development may accord with other individual development plan policies, the proposed development would conflict with the development plans, as a whole, for the reasons given above and I have given this conflict substantial weight.

20. The main parties agree that the Council is not able to demonstrate a five-year supply of deliverable housing sites. Paragraph 11(d) of the Framework therefore applies.
21. The proposal would accord with paragraph 60 of the Framework which seeks to significantly boost the supply of housing. I also acknowledge there would be general social and economic benefits and energy efficiencies and carbon savings as supported by paragraphs 152 and 157 of the Framework. However, in providing one additional property these benefits attract limited weight. A lack of harm in other respects is a neutral factor.
22. There would be adverse environmental impacts in terms of the effect on highway safety from the increase in vehicle movements. The development would, therefore, be contrary to paragraph 110 of the Framework, which amongst other matters seeks to ensure that a safe and suitable access to the site can be achieved for all users. As the harm would occur on an ongoing basis this environmental harm is afforded significant weight.
23. The adverse impact of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
24. I have also considered whether any conditions could be used to make the development acceptable, as recommended by a third-party representation. #
25. However, the only means of making the development acceptable would be to widen the first ten metres of the private drive and this is not within the control of the appellants and, as such, could not be secured by condition.

Conclusion

26. The proposal would conflict with the development plan as a whole, and there are no other considerations, including the provisions of the Framework, which would outweigh this. Therefore, I conclude that the appeal should be dismissed.

K Townsend

INSPECTOR