



Appeal Decision

Site visit made on 09 October 2023

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2023

Appeal Ref: APP/M2840/D/23/3323881

25 Desborough Road, Rothwell, Northamptonshire, NN14 6JG

- 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 Michael Stokes against the decision of North Northamptonshire Council.
 - The application Ref NK/2023/0073, dated 20 February 2022, was refused by notice dated 15 May 2023.
 - The development proposed is described as 'To drop the kerb at the front of the house in order to create vehicular access. I would like to purchase an electric vehicle and would need to charge it'.
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Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are the effect of the proposed development on:-
 - the character and appearance of the area;
 - highway safety.

Character and appearance

3. The development plan includes policy 8 of the North Northamptonshire Joint Core Strategy 2011-2031 (2016) (CS). That policy seeks to ensure that proposals respond to the site's immediate and wider context and local character.
4. The appeal site is located within a row of traditional, modestly sized semi-detached and detached houses on the west side of Desborough Road. The houses in the lower section of the row sit on land above the level of the road, with short and narrow sloping or terraced front gardens. Most of these, including the appeal site and its adjoining neighbour, share a central pedestrian access with a flight of steps leading to the footway which is lined with a grassed verge that adjoins the front boundaries. These properties have no vehicular access and as a result, the front gardens are predominantly lawned or soft landscaped. The greenery and lack of hard landscaping makes a positive contribution to the character and appearance of this part of the street scene and is clearly seen due to its siting on ground at a higher level. An on-street layby between the footway and the main carriageway provides much used parallel parking for vehicles.

5. The road rises in the direction of the junction with Nunnery Avenue and in the upper section of the row, from no 37 to no 59, dwellings sit on more level plots and most have dropped kerbs and vehicular accesses with mainly hard landscaped, open frontages that contribute little to the suburban character of the street scene but are not unduly prominent given their siting on more level ground. In this section, the lay-by parking is not heavily used due to the number of dropped kerbs and accesses.
6. The proposed development would occupy almost the whole of the appellant's front garden, with the steps remaining. It includes a dropped kerb for a vehicular access and a ramp. I have noted that the appellant says that he would prefer block paving although the application specifies a tarmac hard standing. Regardless of the surfacing materials, by reason of the extent of hard surfacing and the removal of soft landscaping on land that is prominent within the street scene, the proposal would disrupt the stretch of greenery in front of this row of houses and would be at odds with its established character to the detriment of the street scene. I conclude then that it would significantly harm the character and appearance of the area and would be contrary to CS policy 8.

Highways safety

7. Policy 8b of the CS seeks to ensure that development does not prejudice highway safety and it ensures a satisfactory means of access and provision for parking, servicing, and manoeuvring in accordance with adopted standards. The Local Highway Authority (LHA) consultation response identified a number of requirements that the proposal should meet, relating to gradient, visibility, turning space, surfacing materials and drainage.
8. Desborough Road is a classified road (B576) that links Rothwell to Desborough, subject to a 30mph speed limit along this stretch. At the time of my visit during a weekday late afternoon, it was very busy and traffic appeared to travelling at somewhat more than the speed limit in both directions. The lay-by was heavily parked in the lower section and there were no available parking spaces.
9. The proposal consists of re-engineering the levels across the site to a gradient of 1:4.7 and for this area to then be hard-surfaced. The Local Highway Authority (LHA) consultation response states that it requires the gradient of an access to be 1:15. The proposed gradient of 1:4.7 shown on the plans is significantly steeper than the LHA's recommended safe gradient and would not enable vehicles to sit relatively level when entering or leaving the highway to maximise visibility and would not sufficiently reduce the risk of a vehicle sliding in adverse weather conditions.
10. The LHA also requires that pedestrian visibility splays of at least 2m by 2m are required on each side of the vehicular access, taken from and along the highway boundary, permanently retained and kept free of all obstacles to visibility over 0.6m in height above access / footway level on land within the control of the applicant. The appellant has not shown how those could be provided but has indicated 43m visibility splays in each direction on the plans. Given the presence of parked cars along the lay-by I am not persuaded that the LHA's requirement could be achieved and the proposal would result in poor visibility for both drivers, pedestrians and other road users.

11. The appellant has said that the proposal would provide two parking spaces. Whilst it would lead to the loss of a lay-by parking space, the Council has not raised any objection to that. However, it is unclear from the plans whether the site area would be capable of accommodating two vehicles and a turning area. The Council has estimated that the hardstanding would measure approximately 6m by 4m. Even on the basis of the appellant's measurement of 4.7m in width (which does not take into account the proposed ramp), that would be insufficient to provide both a turning area and two parking spaces of the LHA's required dimensions of 2.5m by 5m each. As such, the proposal would result in vehicles having to reverse into or from the site onto the highway. Although that is the case for the accesses in the upper section of the row of dwellings, those have significantly different physical characteristics with lesser gradients and better visibility.
12. If all other matters were acceptable, it is possible that conditions relating to surfacing materials and drainage could overcome the Council's objection in those regards. However, in view of my findings above and notwithstanding the lack of objection from local residents, I conclude that the lack of a turning area, together with the excessively steep gradient and the poor visibility, would result in a danger to road users and pedestrians that would significantly harm highway safety, contrary to CS policy 8b.

Other matter and conclusion

13. The appellant has said that the proposed development would enable him to install an EV charging point and to charge an electric vehicle off the highway, thus helping to reduce his carbon footprint. Whilst this is a benefit given the need for sustainable development, tackling climate change and the UK's move towards a zero-carbon emission economy/society, it would be limited to one property and does not outweigh the wider harm I have identified in terms of character and appearance and highway safety.
14. For the reasons given above, I conclude that the proposed development would be contrary to the development plan and there are no material considerations that would outweigh this. The appeal should be dismissed.

Sarah Colebourne

Inspector