



Appeal Decision

Site visit made on 12 December 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 24th January 2024

Appeal Ref: APP/M2840/W/23/3323812

11 Higham Road, Rushden NN10 6EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Antonio Di-Fazio against the decision of North Northamptonshire Council.
 - The application Ref NE/22/00705/FUL, dated 19 May 2022, was approved on 4 April 2023 and planning permission was granted subject to conditions.
 - The development permitted is the demolition of existing dwelling and erection of 6 dwellings.
 - The condition in dispute is No 3 which states that: Notwithstanding the access and footpath shown on the site plan 0001 Rev B, prior to the first occupation of the development hereby permitted, the access road including the footpath and drainage shall be constructed to an adoptable standard as per Northamptonshire Highways Standards and maintained and retained in perpetuity.
 - The reason given for the condition is: In the interest of highway safety and ensure satisfactory means of access.
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Decision

1. The appeal is allowed, and the planning permission Ref NE/22/00705/FUL for the demolition of existing dwelling and erection of 6 dwellings at 11 Higham Road, Rushden NN10 6EB granted on 4 April 2023 by North Northamptonshire Council, is varied by deleting condition 3 and substituting for it the following condition:
 - 3) Prior to first occupation of the development hereby permitted, the access including the footpath, indicated on drawing 0001 Rev B, shall be constructed and drained away from the public highway. The access shall thereafter be retained as such for that specific use.

Application for Costs

2. An application for costs was made by Mr Antonio Di-Fazio against North Northamptonshire Council. This application is the subject of a separate Decision.

Background and Main Issue

3. Planning permission has been granted for the demolition of an existing dwelling and the construction of six new dwellings. The appeal seeks permission to carry out the development without complying with condition 3 which requires the proposed access, including footpath, to be constructed to an adoptable standard.

4. Consequently, the main issue is whether it is necessary and reasonable for the proposed access to be constructed to an adoptable standard as per the Northamptonshire Highways Standards to ensure highway safety and a satisfactory means of access.

Reasons

5. The appeal site is located on a prominent corner plot between Higham and Washbrook Roads. The area is busy with a signalised junction at the intersection of the two roads. A residential terrace with on street parking bays is located opposite the appeal site while an additional signalised junction provides access to the Asda car park via Washbrook Road. The distance between the junctions is minimal with only the appeal site and two commercial properties intervening. Vehicular access is currently provided to the appeal site via a gated drive between the two junctions, to the south of the site.
6. Similar to a previous appeal scheme¹ for seven dwellings at the site, the proposal would widen the existing vehicular access and incorporate both vehicular and pedestrian routes to the rear of the dwellings and the parking court. When compared to the previous scheme, the number of dwellings would be reduced, while the widths of the carriageway and footpath would remain the same. Although the access would not meet the requirements of the County's standing advice in terms of its width for six dwellings, there would be ample visibility and it would be of a sufficient width to accommodate two-way traffic movements and would include for a separate pedestrian path.
7. Although a turning head for the use of refuse vehicles would not be provided, there is sufficient space on Washbrook Road for refuse vehicles to wait whilst carrying out their operations and a clearly identified bin collection point. Although the access would be positioned on a busy stretch of road, this approach would be consistent with the existing refuse provision for the opposite terrace. Accordingly, the proposed access would be able to provide for the requirements of the proposed development, without harming highway safety.
8. Moreover, given the positioning of the proposed dwellings and the extent of the site boundary, it would not be possible to accommodate an adoptable access as per the Northamptonshire Highways Standards without major alterations to the proposed site layout. As such, it would not be reasonable to impose such a condition because it could not be complied with.
9. Therefore, I conclude that the disputed condition is not necessary in the interests of highway safety and to provide a satisfactory means of access.

Conditions

10. I have concluded that it is not necessary for the proposed access to be constructed to an adoptable standard. However, an amended condition is necessary to ensure that the access is available for use prior to first occupation of the dwellings and that the access is adequately drained so as not to detrimentally effect highway safety.

¹ Appeal Reference: APP/G2815/W/21/3277113

Conclusion

11. For the reasons given above, I conclude that the appeal is allowed, and I vary the planning permission by deleting condition 3 and substituting for it the condition as given above in the formal decision.

K Allen

INSPECTOR