



Appeal Decision

Site visit made on 14 May 2025

by **Andrew Dale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref. APP/M2840/D/25/3364014

17 Grafton Road, Brigstock, Kettering NN14 3EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Toby Blowfield against the decision of North Northamptonshire Council.
 - The application ref. is NE/24/01037/FUL.
 - The development proposed is creation of a dropped kerb at the property site front boundary to provide access for off-street parking on driveway.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a dropped kerb at the property site front boundary to provide access for off-street parking on driveway at 17 Grafton Road, Brigstock, Kettering NN14 3EY in accordance with the terms of the application ref. NE/24/01037/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The dropped kerb hereby permitted shall be laid out in accordance with the following approved plans: Location Plan dated 26 November 2024 and Proposed Site Plan created on 25 November 2024.

Preliminary matters

2. The householder appeal procedure is based on the assumption that a decision can reasonably be made on the basis of the plans which were before the Council when it made its decision. My decision is therefore based on those plans. That said, the plans submitted with the appeal simply illustrate the points the appellant makes in his written submission. I have had regard to them to that limited extent.
3. Legislation other than the Planning Acts applies to vehicle crossings over footways and verges ('dropped kerbs'). These works are covered by section 184 of the Highways Act 1980. The appellant would need to seek a licence from the Highway Authority to construct a vehicle crossover regardless of this appeal decision.

Main issue

4. The main issue is the effect of the proposal upon highway and pedestrian safety for users of Grafton Road.
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Reasons

5. No. 17 is a semi-detached house. It faces the eastern side of Grafton Road, a classified 'C' road with a 30 mph speed limit outside the site. The proposal is to form a vehicle crossover on the highway frontage so as to provide access from the road to an off-street car parking space in the front garden.
6. The footway outside no. 17 has a grass verge between it and the property's front site boundary and a narrower verge between it and the roadside kerbstones. The proposal would see 4 of those kerbstones completely dropped and 2 more angled.
7. The appeal is to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan includes the North Northamptonshire Joint Core Strategy 2011-2031 (JCS) adopted in July 2016.
8. The Local Highway Authority Standing Advice for Planning Authorities (SAPA) June 2016 assists with the road safety criteria for and the design of crossovers, whilst the Householder Extensions Supplementary Planning Document (SPD) June 2020 confirms that the relevant adopted parking standards specify each outside parking space should be 3m wide by 5.5m long. The SAPA and the SPD carry weight as material considerations in decision making but they provide guidance as opposed to adopted planning policy and should not be applied prescriptively to the exclusion of all other factors, including the physical circumstances and context of a site.
9. The depth of the front garden is only 4.2m. This is shorter than the 5.5m standard. There are many motor vehicles that would overhang the front boundary. However, judging from the appellant's measurements and from those that I was able to take at my site visit, vehicles parked in the front garden would not actually overhang the footpath as claimed by the Council. Vehicles over 4.2m and up to 5.5m in length would overhang part or all of the main grass verge. I accept that this would still point to a technical departure from the standard but any vehicles so parked would create a somewhat untidy street scene in the eyes of some observers, rather than cause an obstruction to, or reduce the available space on the footpath for, pedestrians.
10. There is potential for a parked vehicle to obstruct the visibility for drivers emerging out of no.15. Whilst a longer type of vehicle may do just that, it is important to note, in the alternative, that vehicles parked on the road outside the appeal property would cause a variety of obstructions to visibility to a greater number of other road users, pedestrians and vehicle drivers alike, including drivers emerging out of no.15.
11. The provision of any vehicular crossover can introduce a potential point of conflict between vehicles and pedestrians. The Delegated Report considered that pedestrian visibility splays of at least 2m by 2m should be provided on both sides of the access, contained fully within the site's boundary in accordance with the SAPA.
12. That the appellant would be largely relying on the main grass verge to achieve such visibility was not explicitly stated as an issue in the reason for refusal on the decision notice which must be taken to represent the settled view of the Council. Even so, other than the existing street lighting column, obstructions to visibility over 0.6m high within the verge cannot be realistically anticipated. The vehicular manoeuvres to and from the property would take place at low speeds and drivers would have adequate awareness of pedestrians on the footway and vice versa, given the open frontage to

the garden, the width of the main grass verge and the straight alignment of the immediately adjacent footway. Besides, there are only several houses beyond no. 17 to the south before the built-up edge of Brigstock is reached. Pedestrian footfall in front of no. 17 is therefore exceedingly low and local residents passing on foot would be aware of the crossover just as they are of the other vehicular accesses nearby. I am satisfied that the scheme would create a place that is safe and minimize the scope for conflicts between pedestrians and vehicles.

13. Highway safety needs to be viewed in the round. The appellant stated on the application form that no. 17 is the only house that hasn't got a dropped kerb and that he has to park on the road which is on a bend and a hill and has large farm vehicles passing multiple times a day.
14. In actual fact, of the 11 houses in the row between nos 7 and 27 Grafton Road inclusive, there are 2 houses (nos 17 and 21) that do not benefit from off-street parking and a vehicular crossover. One example of front garden parking with a crossover is no. 15 next to the appeal site. This has a front garden that is virtually identical to the one at no. 17 in terms of its depth and width and a crossover which seems to have been constructed in the recent past. The appellant is likely to be perplexed by such an outcome when considering the fate of his own proposal. Comparable off-street parking arrangements do therefore exist and inform the area's current highway context for this row of houses. Vehicles would be emerging over a crossover that is likely to be anticipated by approaching drivers and pedestrians.
15. Parking in the front garden would offer a far safer and more convenient alternative to parking on the road for the appellant and any passengers. The additional kerbside space created would ease the space for passing traffic, including large farm vehicles. Of even greater importance, in my view, is how a vehicle parked on the road outside no. 17 would force traffic heading south onto the opposite side of the carriageway in the face of oncoming traffic approaching around a near blind bend. This creates hazardous road conditions that prejudice highway safety, even if the 30 mph speed limit is followed. It would be typical to find oncoming traffic exceeding that speed limit given the position of the derestricted speed limit sign at the edge of the village a very short distance away. The appeal scheme would eliminate or materially reduce the occasions when cars are parked on the highway creating this hazard.
16. Drawing these threads together, I find on the main issue that the proposal would not lead to a material reduction in highway and pedestrian safety for users of Grafton Road. There would be no conflict with the general thrust of Policy 8 b) of the JCS which expects development to make safe and pleasant streets and spaces. To the extent that the provision for parking would not technically be in accordance with adopted standards and thereby be out of step with Policy 8 b) ii, I find that no material harm would arise and that other material considerations carry greater weight. The appeal scheme would accord with the National Planning Policy Framework which says that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
17. In the Questionnaire, the Council has put forward 3 conditions in the event of the appeal succeeding and planning permission being granted. In addition to the standard condition on the time limit for commencement, I have imposed a condition specifying that the dropped kerb should be laid out in accordance with the relevant

drawings as this is necessary to provide certainty. The Council has suggested a condition requiring that the materials to be used in the construction of the external surfaces of the development should match those used in the existing building. Given the nature of the proposal, this would be unnecessary.

18. For the reasons given above, noting also the absence of objections from local residents and the Parish Council and taking into account all other matters raised, I conclude that this appeal should succeed.

Andrew Dale

INSPECTOR