



**NORTHAMPTON**  
**BOROUGH COUNCIL**  
Planning Committee

**PLANNING COMMITTEE:** 29 May 2012  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2012/0232:** Vehicular crossing to front of 449 Kettering Road

**WARD:** Parklands

**APPLICANT:** Mr John Churchill  
**AGENT:** None

**REFERRED BY:** Councillor M Hallam  
**REASON:** There are special circumstances given the disability of the applicants and their need for this vehicular access

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION**

**1. RECOMMENDATION**

1.1 The statutory consultation period expires the day after the Committee meeting and as such the Council cannot formally determine the application on the day of the Planning Committee meeting. Therefore the recommendation below is made subject to the Council not receiving any further objection to the planning application which raises new material planning considerations (i.e. that is not before the Planning Committee when it considers the application).

1.2 **REFUSAL** for the following reason:

The property already has adequate access by way of a shared access to the rear and the proposal would introduce further unnecessary access on to Kettering Road, which is a very busy 'A' road, to the detriment of the free flow and safety of other users contrary to the aims of the National Planning Policy Framework.

## **2. THE PROPOSAL**

- 2.1 Full planning permission is sought for installation of a new dropped kerb to the front of the property from Kettering Road. Planning permission is required as the Kettering Road is a classified road.

## **3. SITE DESCRIPTION**

- 3.1 The application site consists of a semi detached dwelling located on the western side of the Kettering Road. It is set back approximately 20 metres from the back of the footpath and has an existing access to the rear off Stanton Avenue although this involves the applicant having to open a large set of metal gates. The dwelling is one of a number located between Stanton Avenue and Highlands Avenue none of which have direct vehicular access on to Kettering Road. The carriageway outside the site is subject to a 30mph speed limit and there are no parking restrictions although the road carries a steady flow of traffic throughout the day.

## **4. PLANNING HISTORY**

- 4.1 N/2004/0053 Permission refused for vehicle access and dismissed on appeal. The Inspector's decision notice is appended to this report.

## **5. PLANNING POLICY**

### **5.1 Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

### **5.2 National Policies:**

The National Planning Policy Framework (NPPF)

## **6. CONSULTATIONS / REPRESENTATIONS**

- 6.1 **Highway Authority (NCC) – Object.** The property already has an access serving at the back. It is our policy not to have 2 separate accesses for any single dwelling. Moreover, this potential crossover will be quite proximate to the junction with Stanton Avenue. This could lead to a confusion for the motorist on the Kettering Road, for the cars turning into the above property and can be assumed to be turning into the Stanton Avenue creating a potential safety hazard. The Kettering Road is also classed as one the of principal traffic carrier outside the town centre and the above road does carry a high volume of traffic . If the above proposal goes ahead, the new and unexpected turning movements to and from the property would be detrimental to highway

safety.

- 6.2 **Councillor Hallam** - refers to committee as the applicant has special circumstances.
- 6.3 **Michael Ellis MP** - Supportive of the planning application due to the applicant's disability and need to provide access from the front of their property
- 6.4 No neighbour representations received.

## **7. APPRAISAL**

### ***Main issues***

- 7.1 The principal consideration is whether the proposed vehicle crossing would have a satisfactory impact on highway safety and its impact on the appearance and character of the locality.

### ***Policy Context and Background***

- 7.2 The recently published National Planning Policy Framework stresses that developments should be designed to be safe and secure, minimising conflict between traffic.
- 7.3 Planning permission (N/2004/0053) was refused in 2004 for an identical scheme. This was refused on highway safety grounds and dismissed by the Inspector on appeal. The applicant has re-submitted for the same form of development as they believe that personal circumstances have changed in that their health has deteriorated since 2004 and maintain that they need access from the front.

### ***Highway Safety***

- 7.4 The Kettering Road is a classified road and is one of the principal radial routes out of Northampton town centre. It carries a high volume of traffic. As a consequence, it is considered that the introduction of a new access in this location would interrupt the free flow of traffic as it would be likely to result in cars reversing out of the applicant's property on to the highway thus leading to highway safety problems on this busy stretch of the road.
- 7.5 In addition, the access would be close to Stanton Avenue and this could give rise to the potential for confusion as to the intentions of motorists turning into the application site who may be assumed by other road users to be turning into Stanton Avenue.
- 7.6 The County Council as Highway Authority maintain that it is its policy to resist proposals involving more than one access to a property of this type. While it is acknowledged that there are a number of properties

further along the Kettering Road with existing front accesses, it is considered that these are materially different from the application site. For instance most of these are generally set further back from the highway with larger front driveways giving more substantial turning areas.

***Impact on character and appearance of area***

- 7.7 Although the introduction of a vehicle access along this part of the Kettering Road would adversely impact on highway safety, it is considered that it would not impact adversely on the appearance of the street scene.

***Personal circumstances***

- 7.8 The applicant contends that the planning circumstances have changed since the previous application was refused due to the deteriorating health of his wife. He maintains that while there is an existing access to the rear it is not possible for him and his wife to open the existing gates along the rear access way onto Stanton Avenue and therefore they need access to the front which is easier for them.
- 7.9 While officers are sympathetic to the needs of the applicant, it is likely that the proposed access would remain after the occupation of the dwelling by the applicant has ceased. It is considered that the personal circumstances of the applicant do not outweigh the concern held by officers relating to highway safety and as expressed by the statutory highway authority. This matter was considered by the Inspector at the 2004 appeal (paragraph of his decision notice, as attached, is particularly relevant in this regard). Therefore approval of planning permission cannot be justified.
- 7.10 The applicant has advised that he would be willing to accept a temporary or personal consent. However, as the proposal is for operational development rather than a change of use, it would be very difficult to control this in practice and in any event given that proposal gives rise to fundamental highway safety concerns as set out above, notwithstanding the applicant's circumstances, it is considered that the application should be refused.

**8. CONCLUSION**

- 8.1 For the reasons cited the proposed development is considered to be unacceptable as it is contrary to national planning policy as it would have a resultant adverse impact on highway safety on what is a busy route into and out of Northampton. The highway concerns outweigh the benefits cited by the applicant and refusal is therefore recommended.

**9. BACKGROU  
10.ND PAPERS**

9.1 N/2004/0053 and N/2012/0232.

**10. LEGAL IMPLICATIONS**

10.1 None.

**11. SUMMARY AND LINKS TO CORPORATE PLAN**

11.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.

<b>Position:</b>	<b>Name/Signature:</b>	<b>Date:</b>
<b>Author:</b>	Jonathan Moore	01/05/2012
<b>Development Control Manager Agreed:</b>	Gareth Jones	15/05/2012



## Appeal Decision

Site visit made on 27 September 2004

By **Michael Evans BA MA MPhil DipTP MRTPI**

an Inspector appointed by the First Secretary of State

The Planning Inspectorate  
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Date

09 NOV 2004

**Appeal Ref: APP/V2825/A/04/1145651**

**449 Kettering Road, Northampton NN3 6QS**

- 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 J W and A P Churchill against the decision of Northampton Borough Council.
- The application (Ref:N/2004/53), dated 14 January 2004, was refused by notice dated 12 February 2004.
- The development proposed is to construct a vehicular access and block pave the drive to enable part M access to the front door of 449 Kettering Road.

### Preliminary Matters

1. This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 and supersedes that issued on 8 October 2004. I consider that the proposal can most accurately and concisely be described as the construction of a vehicular access onto the Kettering Road and the paving of part of the front garden. I shall therefore determine the appeal on the basis of this description.

### Decision

2. I dismiss the appeal.

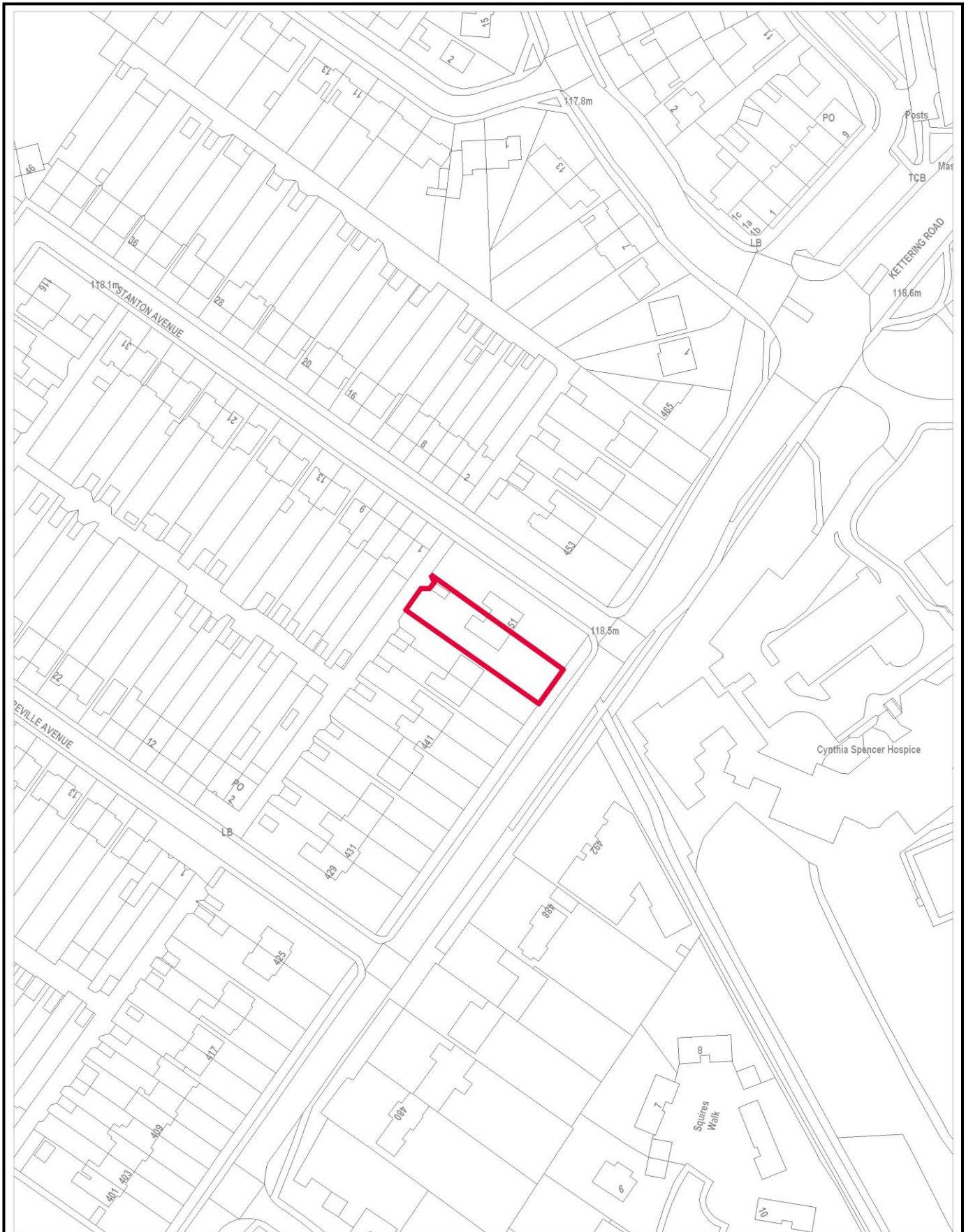
### Reasons for the Decision

3. The appeal concerns an existing semi-detached chalet style dwelling which faces onto the Kettering Road. The dwelling is one of a number located between Stanton Avenue and Highlands Avenue on the western side of the road, none of which has a vehicular access directly onto the Kettering Road. The proposal would therefore be exceptional in this immediate context, despite a significant number of direct accesses on other sections of the Kettering Road. The carriageway outside the appeal site is subject to a 30mph speed limit and there are no parking restrictions, although on my site visit I saw no on street parking. At the time of my site visit, which was off peak, I observed a steady flow of free moving traffic.
4. The Kettering Road is classified as the A5123 and is one of the principal radial routes out of Northampton town centre. The Council indicates that the road carries a high volume of traffic. As a consequence of these matters I consider that the new and unexpected turning movements that would be associated with the proposed access would interrupt the free flow of traffic and be detrimental to highway safety. This is the case irrespective of the standard of visibility for users of the new access. I also note that the access would be in relatively close proximity to the junction with Stanton Avenue. This could give rise to the potential for confusion as to the intentions of motorists turning into the appeal site who may be assumed to be turning into Stanton Avenue. This would also be a potential safety hazard. In

- reaching these conclusions I have had particular regard to the personal safety of the Appellants. Because of the detrimental effects that I have found the scheme conflicts with policy T10 of the adopted Local Plan.
5. I recognise that Mrs Churchill is the holder of a disabled badge and has difficulty in opening the gates onto the road which allows vehicular access to the rear of properties, including the appeal site, between Stanton Avenue and Greville Avenue. However the proposed access would be likely to remain after the occupation of the dwelling by the Appellants has ceased. Planning Policy Guidance Note 1: *General Policy and Principles* advises that the personal circumstances of an occupier may exceptionally be material to the consideration of a planning application. Nevertheless, it goes on to state that such arguments will seldom outweigh the more general planning considerations. I do not believe that the personal circumstances put forward override the harmful impact of the development in this instance.
  6. The Appellants have referred to a number of other accesses onto the Kettering Road. However, I do not consider that such examples should be used to justify further accesses that would be detrimental to highway safety and the free flow of traffic. In any event, I do not have the full background to these cases and it is unlikely that the circumstances of any of these projects would precisely accord with those of the appeal proposal which must be judged on its own merits, having regard to the development plan. Although I note the problems that the Appellants claim in relation to the use of the rear access, I do not accept that these or any other matter, are sufficient to outweigh the detrimental effect on highway safety and the free flow of traffic that I have found. I therefore determine that the appeal fails and planning permission is refused.
  7. The Appellants have expressed concern regarding the willingness of the Council to discuss the matter prior to refusing the planning application. However, these are not matters for me to determine. If the Appellants are aggrieved there are other channels through which these matters can be pursued.



INSPECTOR



Name: SW  
 Date: 17th May 2012  
 Scale: 1:1250  
 Dept: Planning  
 Project: Site Location Plan

Title  
**449 Kettering Road**

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