
Appeal Decision

Site visit made on 18 March 2019

by Jan Hebblethwaite MA Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal Ref: APP/L2440/D/19/3221385
165 Oadby Road, Wigston, LE18 3RQ

- 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 Gill against the decision of Oadby and Wigston Borough Council.
 - The application ref 18/00441/FUL dated 5 October 2018, was refused by notice dated 8 November 2018.
 - The development proposed is described as "to drop the kerb so there is vehicle access onto my property".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision notice refers to the proposal as the installation of a new vehicular access. I have dealt with the proposal on this basis.
3. The Oadby and Wigston Local Plan (LP) was adopted on the 19 April 2019 during the determination of the appeal, and as a result I sought the views of both parties regarding this. I have determined the appeal on the basis of the policies as adopted at the present time.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on vehicular and pedestrian safety.

Reasons

5. The appeal site is the frontage of a mid-terraced house close to a staggered four-way road junction with two mini-roundabouts. The area in front of the house has been loosely hard surfaced. Some but not all, of the houses in the same terrace have dropped kerbs. The centre of the highway immediately outside the terrace has white hatching to separate the lanes of traffic. The highway is a B class road and is subject to a 30mph speed limit in the vicinity of the appeal site.
6. I visited the appeal site at 1pm, a time which would not have carried peak traffic flows. Oadby Road was busy, with a constant stream of traffic through the roundabouts. Traffic travelling south west slowed to negotiate the two mini-

roundabouts, and then accelerated once past the second roundabout, level with the appeal site.

7. Whilst the frontage of the house could accommodate two parked cars, I am not satisfied that there is enough room for a vehicle to turn within the site, so that it could both enter and leave in forward gear, particularly if two cars were to be parked on the frontage. No substantive evidence to confirm otherwise has been provided.
8. That being the case, vehicles would have to reverse across the footway and into the stream of traffic as described in paragraph 6 above, causing conflict with all road users. The highway authority is of the view that use of the proposed dropped kerb would be likely to introduce additional vehicle conflicts in a location where there have been a number of collisions involving personal injury. The highway authority is of the view that the proposal would have an unacceptable and severe impact on highway safety.
9. No details have been given for the provision of visibility splays on the site. In view of the hedge, trees and shrubbery in the neighbour's garden (over which the appellant is not likely to have control) I am not persuaded that appropriate pedestrian visibility could be achieved.
10. Taking into account the matters raised above, I consider that the proposed development fails to ensure a safe and suitable access to the appeal site and that the proposal would have an unacceptable and severe impact on highway safety. I conclude that the proposal would be detrimental to highway safety.
11. Whilst the Council have not referred to any relevant development plan policies in the decision notice, the proposal would be contrary to Policy H6 of the LP that requires developments to have a high standard of design that ensure safe and healthy communities. It would also conflict with paragraph 108 of the National Planning Policy Framework which requires developments to provide a safe and suitable access.

Other matters

12. I have taken account of the neighbouring houses with existing dropped kerbs. I do not know the full circumstances of any of these cases, although the appellant's evidence seems to suggest that at least some of them predate the construction of the mini roundabouts. Another dropped kerb would, so close to the roundabouts, have an unacceptable cumulative effect.
13. In view of the council's comments lodged with the appeal documents, titled "Factual inaccuracies and material differences", the appellant was given the opportunity to respond and I have read his reply. I have taken into account both sets of comments, but they make no difference to my decision

Conclusion

14. For the reasons given above and having regard to all other matters raised, including the petition in support of the proposal from local residents, I conclude that the appeal should be dismissed.

Jan Hebblethwaite

INSPECTOR