



Appeal Decision

Site visit made on 7 December 2020 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/G2435/D/20/3259834

11 Ashby Road, Ravenstone, Leicestershire, LE67 2AA

- 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 Thomas Phillips against the decision of North West Leicestershire District Council.
 - The application Ref 20/00954/FUL, dated 16 June 2020, was refused by notice dated 25 August 2020.
 - The development proposed is to drop the kerb in front of the property to allow access for new driveway and to build a garage extension beside the property.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. At the time of my site visit, the proposed garage was largely completed. The Council considers that the proposed single-storey side extension to house the garage constitutes permitted development under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and there is nothing before me to suggest otherwise. This appeal will therefore focus solely on the proposed vehicular access.

Main Issue

4. The main issue in the appeal is the effect of the proposal on highway safety.

Reasons for the Recommendation

5. The appeal site comprises a single-storey dwelling that is set further back from Ashby Road than the adjacent properties. A largely gravelled driveway exists to the front of the property. The proposal seeks permission for a vehicular access to the site.
 6. Ashby Road is predominantly lined with residential properties and has a 30mph speed limit. The proposed vehicular access would be sited on the outside of a bend on the road. In the middle of the road directly in front of the proposed
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access is a traffic calming splitter island within hatched road markings. Other road markings before the island in both directions indicate that vehicles should stay in their lane and not cross the central white lines. Although relating to a separate process to a planning application, the Local Highways Authority's (LHA) information pack for vehicular accesses and dropped kerbs states that accesses must avoid conflict with existing traffic calming features and that an application for a dropped kerb may be refused where such features are located within 15m of a proposed access.

7. To get to the proposed access when approaching from or exiting onto the eastbound lane, a driver would either have to cross the central hatchings and drive a short distance in the direction of oncoming traffic, or perform a partial U-turn around the island. Traffic approaching from the east would only have a clear view of the access and island when in close proximity, owing to the positioning of the proposed access and the splitter island on the bend, and the presence of trees on the inside of the bend. As such, neither of the manoeuvres described would demonstrate safe access to or egress from the proposed vehicular access. Consequently, the proposal would be detrimental to highway safety.
8. The appellant has suggested that the splitter island could be repositioned or made smaller, however these measures are outside the scope of this appeal. Nonetheless, I note that the LHA states that the relocation or removal of the splitter island would not be supported.
9. At the time of my site visit, two vehicles were parked on the driveway area. One of the vehicles was a car that was parked in front of the garage and was facing in the direction of the road. Given the width of the proposed turning area towards the front of the driveway, vehicles would be able to enter and exit the site in a forward direction. I also acknowledge that the proposed vehicular access would provide easier access to the property for the occupants, disabled people and the emergency services. However, this would not mitigate the detrimental impact that would be caused to highway safety.
10. For the reasons above I conclude that the proposal would have an unacceptable impact on highway safety due to the manoeuvres that would be required to avoid the splitter island. The proposal thereby conflicts with Policy IF4 of the North West Leicestershire Local Plan (2017) which requires, amongst other things, that a development incorporates safe and accessible connections to the transport network. There would also be conflict with the safety objectives of the National Planning Policy Framework specifically paragraphs 108 and 109.
11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR