



Appeal Decision

Site visit made on 6 June 2022

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th June 2022

Appeal Ref: APP/K2420/W/22/3291363

24 Main Street, Ratby, LEICESTER LE6 0JG

- 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 Rakesh Mistry against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 21/00196/FUL, dated 22 March 2021, was refused by notice dated 3 August 2021.
 - The development proposed is described as “a dropped kerb outside my premises to allow me to park my car off road for a number of reasons”.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed access on highway safety, with particular regard to visibility splays and the size of the parking space.

Reasons

3. The appeal site is located on Main Street. The property is within a terraced row of development with commercial units to the north and residential to the south. Main Street climbs a hill towards Berry’s Lane and curves out of view. The highway also narrows as it climbs. Parking restrictions, in the form of double yellow lines, prevent parking opposite the site and on the junction of Berry’s Lane and opposite Desford Lane. As such, the roadway in front of the appeal site includes limited on-street parking and this parking provision appears to be in relatively high demand. Also, the adjacent footway is narrow and whilst only offering a snap-shot in time, I found this to be relatively busy during my visit on a weekday morning. Its narrow nature required pedestrians to occasionally step into the carriageway to pass each other.
4. The proposed parking space would be shorter than the requirements of the County’s Highway Design guide that requires a parking space to be 5.5m deep. The appellant’s assurance that a vehicle would be parked at an angle is recognised. However, it would be unreasonable to expect such behaviour to be controlled by condition and therefore this could not be guaranteed in perpetuity. Furthermore, the angle of arrival onto the driveway would be partly determined by the gap available between parked cars. As such, it is likely that the use of the proposed driveway would result in a vehicle being parked in a manner that would overhang the footway. The busy and narrow nature of the footway would exacerbate the likelihood of pedestrians being forced into the street, harming pedestrian safety.

5. The vehicle visibility splay, looking north of the site, would be impeded by the appellant's tall boundary fence and the corner of 26 Main Street (No 26). This neighbouring building is located adjacent to the footway and would limit views to the north. Such views would be further impeded by the curvature and inclination of the street. Furthermore, parked cars would require south bound motorists to travel in the middle of the road and for motorists to pass these parked cars in a narrow point on the highway. This context therefore results in a busy and relatively hazardous section of highway.
6. Although the appellant's boundary fence could be reduced in height, this alteration would not substantially improve the visibility due to the proximity of No 26 beyond. As a result, the vehicle visibility splay to the north, whether leaving in a forward or reverse gear, would be obscured by a number of obstructions within a busy highway environment. When busy the parked cars would prevent a clear view up the hill, increasing the risk of collisions. I have no technical evidence to dissuade me of this view.
7. The visibility to the south would be less hazardous. Nonetheless, views would still be partially impeded by the corner of 20 Main Street (No 20) and parked cars in front of this and neighbouring buildings. However, provided that a motorist applied the expected care and attention this vision splay would be acceptable.
8. Nonetheless, due to the substandard size of the driveway and the poor visibility to the north, the use of the access would be detrimental to highway and pedestrian safety. As a result, the proposal would conflict with policies DM17 and DM18 of the Site Allocations and Development Management Policies DPD (2016) and the National Planning Policy Framework. These policies seek, among other matters, for development to demonstrate it would not result in a significant adverse impact on highway safety and for parking to be of an appropriate design.

Other Matters

9. Several residential properties have an access onto the highway, close to the appeal site. The adjacent driveway for 22 Main Street is a similar short depth as that proposed. However, this access does not enjoy the benefit of planning permission and seems to be an old access. This would also not appear to comply with the standards required and would therefore be liable to overhanging, harming pedestrian safety. Therefore, this does not create a positive precedent that should be replicated elsewhere. The driveways of No 20 and 12 Main Street appear to be longer than the proposed drive and have improved vehicle visibility splays in comparison to the proposal.
10. The appellant asserts that the proposal would remove a parked car from the roadside. Although noted, this would not materially alter or ease traffic flow on the adjacent highway as parked cars would be likely to remain either side of the new access in either event. Furthermore, the placement of a mirror on a nearby lamppost would not sufficiently address the visibility concerns based on the specific context of the site.
11. The appellant identifies that the drive would be used to charge an electric car. Such provision would meet a sustainable travel objective of the Framework and weighs moderately in favour of the scheme.

12. The access would provide a benefit to the appellant and visitors with mobility difficulties. In exercising my Public Sector Equality Duty, I am conscious of the benefit conveyed to visitors in having access to convenient and safe parking. However, this benefit would be modest based on the difficulties and highway safety risks identified in using the proposed access.
13. The site is within the Ratby Conservation Area. Its significance seems to derive from its traditional rural character, formed from its initial hill-top setting and its historical role in the hosiery industry. The proposal would preserve the character and appearance of the conservation area due to the modest changes proposed by the scheme.

Conclusion

14. The benefits of the development, including to the convenience of the appellant and visitors and in providing a car charging point, are outweighed by the identified harm found to pedestrian and highway safety. The proposal would conflict with the development plan when taken as a whole. For the reasons given above, I therefore conclude that the appeal should be dismissed.

B Plenty

INSPECTOR