



Appeal Decision

Site visit made on 22 August 2022

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2022

Appeal Ref: APP/F2415/W/22/3297985

2 Keythorpe Cottages, Hallaton Road, Tugby, Leicestershire LE7 9WB

- 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 A Robinson against the decision of Harborough District Council.
 - The application Ref 21/01845/FUL, dated 14 October 2021, was refused by notice dated 23 March 2022.
 - The development proposed is vehicular access and parking area at rear of No 2 Keythorpe Cottages.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the description of development that appears on the Council's Decision letter and appeal form as it comprehensively describes the development proposed.

Main Issue

3. The main issue is the effect on highway safety.

Reasons

4. The appeal site is land to the rear of No 2 Keythorpe Cottages, accessed via a narrow opening fronting onto Hallaton Road within the centre of the village of Tugby. Hallaton Road is an adopted 'C' classified road which is subject to a 30mph speed restriction. The site is within a 20mph speed restricted school zone area. The proposed access would enable rear off street parking with cars from the property currently parking on the public highway.
5. Based on the 85th percentile speeds, visibility splays of 2.4 x 23m are required to the north of the site access and 2.4 x 28m to the south based on the requirements of the Leicestershire Highway Design Guide. Using a 2m set back figure identified in Manual for Streets 2, the Highways Authority have identified that only 2 x 20m is achievable to the north and 2 x 18m to the south meaning that visibility would be substandard in both directions. The appellant has disputed this, claiming it to be 2 x 28m to the north and 2 x 21.5m to the south.

6. Even if a 2m setback was applied, as argued by the appellant minimum standards would not be achieved to the south. It has not been demonstrated that this would be overcome if vegetation referred to by the appellant was cut back or removed.
7. The appellant accepts the shortfall in visibility to the south, arguing that it would be compensated by the removal of on street parking. I disagree that the harm caused by the proposal would be outweighed by the highway betterment of removing on street parking, particularly in the absence of evidence to substantiate that the existing arrangements are causing an unacceptable harm to highway safety.
8. Reference has been made to the off street parking at a neighbouring property served by an access with very limited visibility splays. However, I have limited details on the permission granted at this property and the reasons for them and so I am unable to make meaningful comparisons with the case before me. In any event, each case is determined on its own merits and my assessment is based on the evidence before me.
9. Whilst the appellant says the proposal would not increase trips on the road, I treat this as a neutral consideration. Irrespective of the existing low flow rates on the road the proposal has failed to demonstrate a safe and suitable access. The proposed access would not be acceptable in terms of highway safety and as such would conflict with Policy GD8 of the Harborough Local Plan 2011-2031 which amongst other things permits development where there is safe access.

Other Matters

10. The site is located within the Tugby Conservation Area which encompasses much of the village. The Council has identified that the proposal would not harm the Conservation Area. Given the scale of the proposal, I have no reason to disagree.

Conclusion

11. For the reasons identified, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR