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## Appeal Decision

Site visit made on 25 October 2022

**by Ian McHugh DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 November 2022**

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**Appeal Ref: App/Y2430/D/22/3304317**

**1 Leicester Road. Melton Mowbray, LE13 ODB**

- 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 Richard Nkekeh against the decision of Melton Borough Council.
  - The application Ref 21/01283/FULHH, dated 26 October 2021, was refused by notice dated 24 May 2022.
  - The development proposed is three pillars on boundary line at front of property.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposed pillars would result in an unsafe and unsuitable access for the neighbouring dwelling at number 1A Leicester Road (number 1A).

### Reasons

3. The appeal property is a detached dwelling, which is situated on Leicester Road on the outskirts of Melton Mowbray. Leicester Road is a main route leading to and from the town and during my site visit, I witnessed a significant volume of traffic movements. The property is also close to a roundabout and a bus lay-by. The appeal property is accessed directly from Leicester Road.
4. The neighbouring detached dwelling, at number 1A, is also accessed from Leicester Road and the information before me is that both properties should be served by a shared access. The shared arrangement was reinforced by conditions attached to an application (18/00845/VAC) to vary conditions relating to the original planning permission for the dwelling at number 1A (14/00100/FUL). In particular, condition number 4 of 18/00845/VAC states that no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access driveway or turning areas. The reason for the condition being to ensure that vehicles entering and leaving the site could pass each other clear of the highway and not cause highway problems or dangers.
5. The proposal is for three brick-built pillars (which have already been erected) on the site frontage. The pillars are spaced to facilitate both a pedestrian width access and a separate entrance for vehicles. I consider the pillars to be

acceptable in appearance and they do not have an adverse visual impact on the streetscene.

6. The appeal proposal was refused by the Council largely on the recommendation of the Highway Authority (HA). In its consultation response, the HA contends that the proposal results in accesses that are substandard in terms of width and visibility when considered against the guidelines contained in the Leicestershire Highways Design Guide. It also considers that the pillars will discourage the occupants of number 1A from using turning facilities within the site and thereby increasing the risks to highway users if vehicles have to reverse to and from Leicester Road.
7. Having visited the site and viewed the pillars and the local traffic movements, I consider that the Council's concerns are justified. The flow and speed of traffic, together with the proximity of the bus-stop, justifies a requirement for any accesses into the appeal site and number 1A to be easy to use and for vehicles to enter and leave in a forward gear. That is not currently the case and I consider that the proposal presents an unacceptable risk to the safety of highway users. Accordingly, it conflicts with Policies IN2 and DN1 of the adopted Melton Local Plan 2018. These policies seek (amongst other things) to ensure that developments do not unacceptably impact on traffic safety and there is a safe connection to the highway network.
8. In reaching my decision, I have fully considered the appellant's statement in respect of officer advice and the intention to amend the site layout to allow the occupants of number 1A to share an on-site turning area. Regarding the latter, the appellant refers to an amended plan, but this has not been submitted and it does not appear to have been considered by the Council or the neighbouring residents. Consequently, I am unable to give this any weight and it is something the appellant should discuss directly with the Council.
9. Regarding officer advice, any advice is generally not binding on the Council and I am also unable to attribute any weight to what was said in my decision.

### **Conclusion**

10. For the reasons given above, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR