



Appeal Decision

Site visit made on 2 February 2023

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02nd March 2023

Appeal Ref: APP/G2435/D/22/3312152

1 Weavers Close, Whitwick, Leicestershire LE67 5DU

- 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 Hedley Verity against the decision of North West Leicestershire District Council.
 - The application Ref: 22/01220/FUL, dated 28 July 2022, was refused by notice dated 23 September 2022.
 - The development proposed is replacement of grassed area to create hardstanding for car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development was completed prior to the application to the Council.

Main Issue

3. The main issue in this appeal is the effect of the proposal on highway and pedestrian safety.

Reasons

4. No.1 Weavers Close is the end property of a short terrace of 3 modern dwellings. It is located at the junction of Weavers Close and Hermitage Road. The parking area which has been created can be accessed via an existing dropped kerb which gives access to a parking court to the rear. The applicant advises that he has a right of way over the dropped kerb to allow access to a garage next to the parking court.
5. The appellant has confirmed that an area of 2.4 x 5.5 m is available at the parking space and avoiding a lamp standard. At the time of my site visit a small car was parked at the space, but it is conceivable that any future occupants may wish to park a larger vehicle such as a 4 x 4 in the space which might result in doors being opened on to the adjacent footway.
6. Unless the applicant, or anyone else, crosses a section of upstanding kerb, a vehicle either has to be reversed into the parking space or driven forwards and reversed out. A single vehicle would then be parked parallel to the road of Weavers Close.

7. I agree with the Highway Authority that vehicles leaving or entering the carriageway would be via an unusual manoeuvre at an odd angle which would be both unexpected and confusing to other highway users. At the site visit it was apparent that there is a fenced-off bin store next to the boundary of the rear garden of the appeal building which restricts visibility at the access to the parking court from Weavers Close. Therefore there would be potential for conflict with vehicles or pedestrians leaving the parking court when a driver was manoeuvring to leave or access the parking space which has been created. I find that there would be an unacceptable impact from the use of the parking space on highway safety contrary to policy IF4 of the North West Leicestershire District Local Plan which seeks to ensure safe and accessible connections to the transport network. It would also fail to comply with highway objectives in the National Planning Policy Framework (the Framework).

Other Matters

8. The Highway Authority has suggested that a more acceptable solution for in-curtilage parking may be for a new access to be formed from Weavers Close (by extending the adjacent dropped crossing) which would enable vehicles to access the highway at a 90-degree angle. This would require a greater depth of land to allow vehicles to park in a perpendicular arrangement.
9. The appellant has advised that if a new access would be preferable then the option exists in accordance with the Framework to allow the appeal subject to a condition that the means of access to the site should be agreed prior to the use of the land for parking a car on it. Despite this I find that it would be inappropriate to allow the appeal subject to such a condition because additional land forming the rear garden of the appeal building would be required to create a parking space to allow parking to take place perpendicular to Weavers Close, rather than parallel as at present.

Conclusion

10. I have found above that use of the parking space has a potential harmful effect on highway and pedestrian safety. I have taken all other matters raised into account. However, for the reasons given above, I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR