
Appeal Decision

Site visit made on 26 January 2016

by Elizabeth Pleasant BSc(Hons)DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 March 2016

Appeal Ref: APP/K2420/W/15/3136187
42 Coventry Road, Burbage, Hinckley LE10 2HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Gill Moore against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 15/00061/OUT, dated 19 January 2015, was refused by notice dated 27 August 2015.
 - The development proposed is the demolition of prefab garage to side of existing property and erection of 1 new dwelling house to the rear of existing property.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is for outline planning permission with all matters except for access reserved for future consideration.

Main Issue

3. The main issue in this case is the effect of the development on highway safety.

Reasons

4. The appeal site would share an access with No 42 Coventry Road. The existing garage at 42 would be demolished and a parking and turning area for both 42 and the appeal proposal would be created within the site to the rear of the existing property.
5. The site access is bounded to the southwest by a brick wall, which stretches across most of the site frontage, and is in the control of the appellant. To the northeast side of the access there is a hedgerow which forms the site boundary between Nos. 40 and 42 Coventry Road. A small section of the hedge lies within the appellants' control; however the remainder belongs to No 40.
6. I noted on my site visit that a fence panel, approximately 1.8m in height, has been erected within the curtilage of No 40 adjacent to the site boundary and highway. The fence has been erected since the Council made their decision and I am not aware of its planning status.
7. Having conducted traffic speed surveys the Highway Authority consider, based on the speed of traffic, that a 2.4m x 54m visibility splay would be required to

the southwest of the access and a 2.4m x 51m splay to the northeast. I am aware that there may not have been any injury accidents directly attributable to the use of this access, and I have also considered that there would be an opportunity to improve existing visibility, particularly to the southwest. However, the presence of the hedgerow to the northeast, the height of which is outside of the control of the appellant, means achievable visibility in that direction is significantly below what would be considered to be acceptable in this location. The proposed development could double the volume of traffic currently using a substandard access which would put additional drivers at risk.

8. Whilst there is some dispute over the width of access, it seems to me that it would not be possible for a vehicle to enter the site whilst another vehicle is waiting to exit it, without the vehicle entering the site partially blocking the pavement and possibly obstructing the emerging vehicles' visibility. This situation would result in obstruction to pedestrians or vehicles on the adjoining highway which would be prejudicial to highway safety.
9. I have had regard to the improvements to the on site turning facilities that would be brought about by this proposal. However, these improvements do not outweigh the harm that I have found to highway safety that would be brought about by this development through a significant increase in the use of the access which has insufficient width for the development proposed and has severe restrictions to its visibility.
10. I conclude that the appeal proposal would cause substantial harm to highway safety and would be contrary to Policy T5 of the Hinckley and Bosworth Local Plan 2001 which seeks to ensure that new development does not prejudice a safe and efficient highway and that the highway design standards set out in the current addition of Leicestershire County Council's "Highway Requirements For Development" are applied. The proposal would also conflict with paragraph 32 of the National Planning Policy Framework (the Framework) which advises that a safe and suitable means of access should be achieved for all people.

Other Matters

11. There is no dispute between parties that the site is located in a sustainable location. However, even if the Council could not demonstrate a five year housing land supply, the harm caused to highway safety set out above, significantly and demonstrably outweighs the limited economic and social benefits that would flow from the appeal proposal when assessed against the Framework as a whole.

Conclusion

12. For the reasons set out above and taking all other matters into consideration, I conclude that the appeal be dismissed.

Elizabeth Pleasant

INSPECTOR