

Delegated Report

Planning Ref: 23/00944/FUL

Applicant: Mrs R Loughlin

Ward: Newbold Verdon With Desford & Peckleton

Site: 20 Brascote Lane Newbold Verdon Leicester



Hinckley & Bosworth
Borough Council

Proposal: Proposed dropped kerb and block paving parking space

1. Recommendations

- 1.1. **Refuse planning permission** subject to the reasons at the end of this report.

2. Planning application description

- 2.1. The application seeks full planning consent for a proposed dropped kerb and block paving parking space at 20 Brascote Lane, Newbold Verdon.
- 2.2. The proposed dropped kerb would measure 3.90 metres in width, and the access would measure 2.00 metres in width.
- 2.3. The proposed hardstanding would measure 5.30-10.70 metres in depth and 2.00-7.50 metres in width.
- 2.4. The proposed external materials include the use of block paving.

3. Description of the site and surrounding area

- 3.1. The application site relates to a two-storey detached dwelling, situated within the settlement boundary of Newbold Verdon. The dwelling is compromised by the use of red brick and white render to the walls, brown tiles to the roof and white uPVC windows. The dwelling is currently afforded off-street car parking to the rear which is accessed via Gilberts Drive. Brascote Lane is an adopted, classified C road.
- 3.2. 20 Brascote Lane is one of the many two storey detached late 20th century properties in this part of Newbold Verdon. Many of these properties have been subject to various extensions and alterations, however a coherent character remains in the area.

4. Relevant planning history

21/00308/HOU

- Two storey rear extension and alterations to porch, and render
- PER
- 20.07.2021

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. No objections have been received.

6. Consultation

- 6.1. No objections have been received from Newbold Parish Council.

LCC Highways:

- 6.2. Given the possible conflicts with vehicles accessing and egressing the site and Gilberts Drive in close proximity to the junction of Brascote Lane/Gilberts Drive, plus the proposals being contrary to Figure DG17 and Paragraph 3.31 of Part 3 of the LHDG, it is the opinion of the LHA that the proposed development may be detrimental to highway safety.
- 6.3. In accordance with paragraph 110 and 111 of the NPPF 2023, it should be ensured that a safe and suitable access to the site can be achieved for all users and therefore the LHA advise refusal of this planning application.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 11: Key Rural Stand Alone
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)

8. Appraisal

- 8.1. Key Issues
- Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety

Design and impact upon the character of the area

- 8.2. Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and would not have a significant adverse effect on the privacy and amenity of nearby residents.
- 8.3. In this case the only physical change would be the removal of the kerbstones and replacement to allow vehicles to cross the footpath and the proposed block paved hardstanding to the existing front garden.

- 8.4 The dropped kerb would measure 3.90 metres in width, and the access would measure 2.00 metres in width. The street scene is characterised by dropped kerbs and therefore this aspect would not affect the character of the area.
- 8.5 The proposed hardstanding would measure 66.75 square metres in total. The hard standing's proposed material is block paving, which is consistent with hard surfacing on Brascote Lane and therefore complements the character of the area.
- 8.6 By virtue of the above there would be no significant visual impact on the character and appearance of the area. The proposal complies with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.7 Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.8 The proposal to use the front garden as parking is ancillary to its residential use and does not represent a change to the residential amenity already enjoyed by the nearby dwellings.
- 8.9 By the nature of development, the proposed dropped kerb and hardstanding would not have any adverse impacts upon neighbouring residential amenity, in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.10 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Paragraph 111 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.11 The proposed access would measure approximately 2.00 metres, contrary to Table DG17 of Part 3 of the LHDG which states that "a minimum effective width of 2.75m for a single dwelling private access, add 0.5m if bounded by a wall on one side, 1m if bounded on both sides."
- 8.12 The proposed access would sit approximately 3.00 metres away from the junction of Brascote Lane/Gilberts Drive. Given this, in order to provide an LHDG compliant access in terms of width, the access would have to be extended south bringing it closer to the junction. By virtue, even if the width was increased to meet the 2.75 metre requirement this would still be contrary to Paragraph 3.31 of Part 3 of the Leicestershire Highway Design Guide (LHDG) which states the below;

"There will normally be no accesses for vehicles:

- ***Within the vicinity of the junction;***
- *On to the corners (radii) of the junction;*
- *At bus stops or lay-bys;*
- *Close to a pedestrian or cycle refuge;*
- *Close to a traffic-calming feature (accesses should not be sited on the ramp of a road hump or speed table due to the risk of a vehicle grounding as it manoeuvres into or out of the access);*
- and*
- *Close to street furniture."*

- 8.13 The LHA also have concerns that if approaching the site from the north along Brascote Lane, vehicles travelling behind may be expecting vehicles to turn east onto Gilberts Drive rather than accessing the site. As such, if vehicles accessing the site slow suddenly within the carriageway, this may lead to rear end shunts. Vehicles egressing Gilberts Drive turning to the north along Brascote Lane may also be presented with vehicles reversing via the proposed access, providing a further possible conflict point within the carriageway. Therefore there are some significant concerns with the proposal and its implications on highway safety.
- 8.14 It is noted the dwelling is currently afforded off-street car parking to the rear which is accessed via Gilberts Drive.
- 8.15 The Local Highway Authority have also recommended that the Applicant should provide detailed, scaled vehicular visibility splay drawings to demonstrate adequate visibility splays. Furthermore the LHA advise that their records suggest vehicles travel well in excess of the posted speeds (30mph) along Brascote Lane in both directions. As such, the LHA advise the LPA to consider requesting the Applicant to commission a speed survey at the proposed site access to demonstrate that the achievable splay lengths would be sufficient for the measured 85th percentile vehicle speeds.
- 8.16 In summary, it is considered that the proposed development would be detrimental to highway safety by reason that the substandard size of the access and close proximity of the adjacent junction could result in possible conflicts with vehicles accessing and egressing the site and Gilberts Drive in close proximity to the junction of Brascote Lane/Gilberts Drive. The proposals fail to comply with Figure DG17 and Paragraph 3.31 of Part 3 of the LHDG and are contrary to Policy DM17 of the SADMP.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1 The application is acceptable in terms of visual impact and residential amenity, but would have a significant adverse impact on highway safety by reason of insufficient size of the access and sitting to the adjacent junction. It therefore fails to comply

with Policy DM17 of the SADMP, the Leicestershire Highways Design Guide and the NPPF.

11. Recommendation

11.1 Refuse planning permission subject to the reasons at the end of this report.

11.2 Reasons

1. The proposed development would have a significant adverse impact on highway safety by reason of the possible conflicts with vehicles accessing and egressing the site and Gilberts Drive in close proximity to the junction of Brascote Lane/Gilberts Drive, plus the proposals being contrary to Figure DG17 and Paragraph 3.31 of Part 3 of the Leicestershire Highways Design Guide in terms of the access width. The proposal is therefore contrary to Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and paragraph 111 of the NPPF (2023).

11.3 Notes to applicant

The plans relating to this decision are:

- Block, Site Location Plan, Drg No. 23/007/01 as received by the Local Planning Authority on the 26th September 2023.