DERBYSHIRE County Council

***Response provided under the delegated authority of the Executive Director for Place***

Planning Manager
Amber Valley Borough Council
PO Box 15, Town Hall, Market Place
RIPLEY
Derbyshire
DE5 3XE

Highway Officer: Robert Smith
Our ref: AVBC/2026/017460
Your ref: AVA/2026/0323
Date: 2 June 2026

Dear Katja Graham,

**TOWN AND COUNTRY PLANNING ACT 1990**
**(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015**
**ARTICLE 18 CONSULTATION WITH HIGHWAY AUTHORITY**

**PROPOSAL: Garage to rear garden with a new opening to an unadopted road at the rear of the property**

**LOCATION: The Gables Coronation Road Mapperley Ilkeston Derbyshire DE7 6BU**

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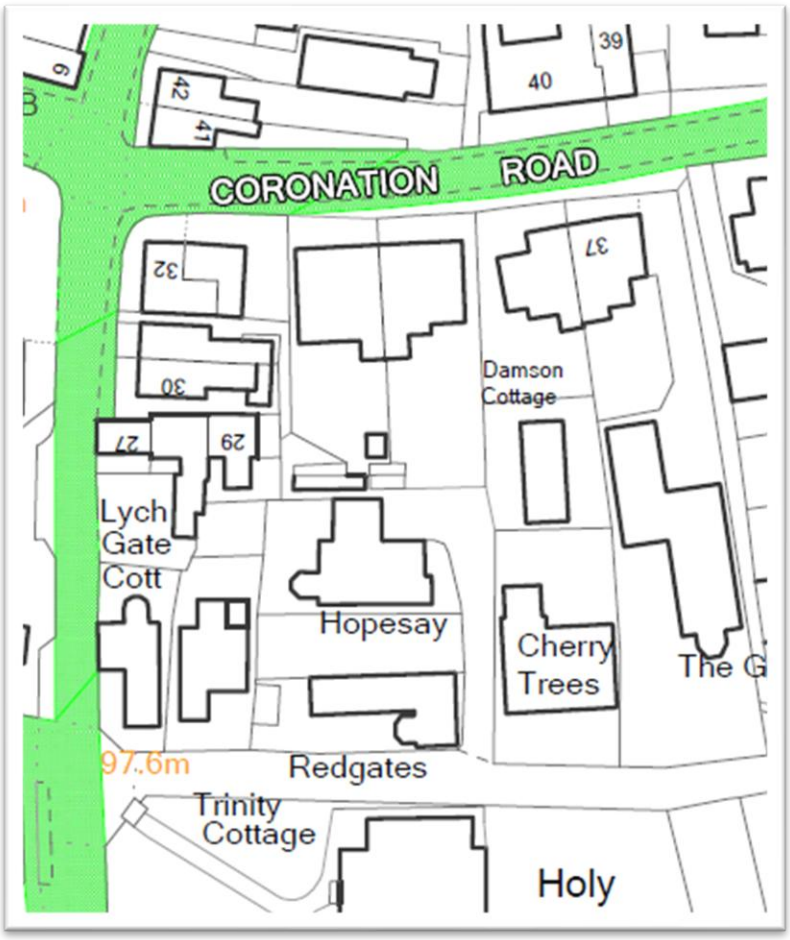
Derbyshire County Council, the Highway Authority acting in its role as Statutory Consultee, has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, recommends that this planning application should not be determined until the applicant has submitted further information.

**Background**

This planning application seeks permission for the erection of a garage within the rear garden, with a new opening to an unadopted track at the rear of the property, of The Gables, Coronation Road, Mapperley. The existing vehicular access from Coronation Road is to be retained together with the existing parking and turning area within the site.

**Site Location Plan**

The proposed garage includes access directly onto an unadopted track which runs in an east-west direction to the rear of the site, as shown on the following copy extract from the Local Highway Authority's (LHA's) highway boundary record.




*Highway Boundary shown in green*

The applicant has not demonstrated control over the track between the site and the publicly maintainable highway, Mapperley Lane, running in a north-south direction, located circa 70m to the west of the site. On this basis, it is not clear if the applicant has a private right of vehicular access via the unadopted track. The applicant must demonstrate a private right of vehicular access to the site over the track.

The “red line” boundary on the planning application site location plan should be amended accordingly.

**Assessment**

In accordance with the LHA’s Parking Guidance for New Developments (PGND), garages are excluded from the car parking calculations in all circumstances due to the ability to convert them into habitable accommodation without the need for permission and their use for personal storage rather than that of a vehicle. However, they may be counted as bicycle storage subject to design and location.

As the planning application proposes no change to the host dwelling, there is no requirement for the garage in highway terms from the LHA’s perspective.

The site currently has no vehicular access between the rear garden and the track. Erection of the garage with access to the track would give rise to additional traffic flows on the track. Visibility from the track onto Mapperley Lane is restricted in both

directions due to third-party land constraints. Higher traffic flows using the track due to the proposed development could therefore be detrimental to highway safety at the Mapperley Lane/track junction.

The track serves additional properties to the east of the application site e.g. the dwelling known as Rookery Nook and the agricultural buildings and equestrian facility at the eastern end of the track.

PGND paragraph 8.6.7 requires provision of a 6m length of driveway in front of garage doors, to ensure that vehicles waiting for the garage doors to be opened or closed do not obstruct passing vehicles. In this case, the proposed garage doors emerge directly onto the track, with no separation between the track and the garage. Consequently, use of the garage could give rise to obstruction of the other users of the track, as identified above.

Provision of direct access from the garage onto the track means that there would be no intervisibility between vehicles leaving the garage and those using the track, which would be detrimental to the safety of users on the track.

Having regard to the above, and as submitted, the proposed garage would be objectionable in relation to its potential adverse impact on highway safety at the Mapperley Lane/track junction, along the track, and on the amenity of other users of the track.

Conversely, there would be no in-principle highway objection to a store located within the rear garden to the property provided it has no vehicular access to the track.

The highway authority therefore recommends that the applicant should amend the scheme to ensure that the proposed garage would have no vehicular access to the track, subject to which there would be no LHA objection.

If the applicant is not prepared to amend the scheme in this way, the LHA would wish to be consulted again so that it can consider whether to formally object to this planning application.

**Public Right of Way (PRoW)**

Mapperley footpath no. 6 runs along the unadopted track. Consideration should be given to the safety of the public using the path and private rights must not derogate the rights of the public to use the path.

The following general guidance is advised: -

- The footpath must remain open, unobstructed and on its legal alignment.

- There should be no disturbance to the path surface without prior authorisation from the County Council's PRoW team.

- Consideration should be given to the safety of members of the public using the path during and after the works. A temporary closure of paths will be

permitted on application to the County Council where the path remains unaffected on completion of the development.

- There should be no encroachment of the path, and no fencing should be installed without consulting the County Council's PRoW team.

**Conclusion**

Having regard to the above, the proposed garage should be revised to remove the proposal for vehicular access to the unadopted track. Amended details should be submitted. Subject to that, there would be no highway objection to this planning application.

Should the applicant proceed with the scheme as currently submitted, the LHA should be afforded the opportunity to comment again when it would consider whether to recommend refusal of planning permission on highway safety grounds.

Yours sincerely,

Robert Smith
Transport Development Management

| Date Received | Case Officer | Reviewer | Date Issued |
|---|---|---|---|
| **21 May 2026** | **Robert Smith** | **SD** | **2 June 2026** |