
Appeal Decision

Site visit made on 27 September 2016

by **S J Lee BA(Hons) MA MRTPI**

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

Decision date: 3rd October 2016

Appeal Ref: APP/V2635/W/16/3152815

Queens Head, 1 Plough Lane, Watlington, Norfolk PE33 0HQ

- 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 Andrew Mileham against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 15/01828/CU, dated 9 November 2015, was refused by notice dated 14 April 2016.
 - The development proposed is a change of use for the proposed division of a former dwelling into holiday accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use for the proposed division of a former dwelling into holiday accommodation at Queens Head, 1 Plough Lane, Watlington, Norfolk PE33 0HQ in accordance with the terms of the application, Ref 15/01828/CU, dated 9 November 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Plan 1 (Site Location Plan), Plan 2 (Front and Rear Elevation) and Plan 3 (Existing and Proposed Layouts).

Main Issue

2. The main issue is the effect of the proposed development on highway safety, with particular regard to visibility.

Reasons

3. The appeal property is a former public house that has previously been converted to a large single dwelling. There is an existing access to the dwelling, which would be maintained, and a large driveway in front of the building that can accommodate a number of vehicles. The access is around 18 metres from the junction of Mill Road and Plough Lane. Plough Lane itself is an unpaved road with a narrow verge between the edge of the road and the dwelling's low boundary fence. Dwellings line one side of the road, most of which are set back and have access to some form of off-street parking, either in the form of driveways or what appear to be converted front gardens.
 4. It is accepted by the main parties that the speed of traffic passing by the site would be between 15 and 20 mph. In such circumstances, the Department for
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Transport's 'Manual for Streets' (MfS) suggests a minimum of 17m visibility in either direction with a setback of 2.4m. No concerns have been raised by either the local planning or highway authorities about the visibility to the right of the access (when exiting the drive). I saw nothing during my site visit that would lead me to disagree with this conclusion.

5. The main concern raised is that the neighbouring dwelling's boundary fence and brick plinth restrict visibility in the opposite direction which would in turn lead to vehicles having to pull out into the carriageway to see approaching traffic. It is argued this would create a significant hazard to vehicles turning left into Plough Lane who would not be able to see or avoid any vehicle leaving the access that was significantly encroaching into the carriageway. While the main parties dispute certain technical elements of the requirements of the MfS in terms of visibility splays, from my own observations there is little doubt that visibility to the left of the access when pulling out would be restricted by the fence and plinth and a certain degree of 'nosing out' would be required.
6. This access has, however, been in use for a number of years in this form and the appellant notes there have been no recorded incidents of personal injury accidents in at least the last twenty years. The Council have not provided any information to suggest that this is not an accurate assertion. Furthermore, the appellant has provided traffic count information which suggests the amount of traffic passing by the property is relatively low. It was clear from my visit that this is not a busy road and I have seen nothing which suggests the data is not indicative of the typical levels of traffic passing by the site at peak times. While my observations represent only a snapshot of local highway conditions, I noted that very few vehicles turned into Plough Lane from Mill Road during my visit. Considering the nature of the road, the number of properties along it and the size of the village in general, it seems reasonable to assume that this road would be lightly trafficked.
7. The Council has raised a concern that the development would potentially generate an additional 4 trips per day. Irrespective of the current or previous levels of movement associated with the dwelling's occupation, I do not consider this to represent a significant increase in the level of risk associated with the access. This is particularly the case when considering the relatively low levels of passing traffic. In addition, while this is not a significant factor in my decision, the additional trips would be associated with the use of the property as a holiday home which may not always be occupied, which would reduce the overall risk associated with the development.
8. There would, therefore, be little material change in the use of this access. Local residents and drivers will be fully aware of the situation with driveways and accesses along Plough Lane and will already show due consideration to local highway conditions. Neither the nature of the change of use nor the marginal potential intensification in the use of the access will change this.
9. While mindful of the guidance in the MfS and technical shortcomings of the visibility splay, when considering the slow speed and low level of passing traffic, the absence of evidence of accidents in the area and the small number of potential additional movements associated with the development, I am satisfied that the change of use would not cause an unacceptable risk to highway safety. Accordingly, there would be no conflict with Policy CS11 of the King's Lynn & West Norfolk Core Strategy (2011) which seeks to ensure

development provides safe and convenient access. Whilst the Council's Site Allocations and Development Management Policies (Pre-Submission Document – January 2015) is not yet an adopted part of the Development Plan, there would also be no conflict with emerging policy DM15 which requires development to provide safe access and adequate parking.

Conditions

10. I have considered the suggested conditions from the local planning and highway authorities in accordance with the guidance contained in the Government's Planning Practice Guidance (PPG). In addition to the standard condition which limits the lifespan of the planning permission, I have imposed conditions specifying the relevant drawings as this provides certainty.
11. I have not imposed the County Council's suggested condition (i) as there was no suggestion in their comments that the existing crossover was not of an appropriate standard or that there were issues relating to surface water drainage or extraneous materials being deposited on the highway. I have concluded that while there may be a moderate increase in the use of the access as a result of the development, it would not represent an unacceptable or unsafe access and thus this condition is not necessary. For the same reasons, I have not imposed suggested condition (ii). Should vehicles need to temporarily park outside the access in order to open any gate, it is unlikely that this would cause a significant or unsafe obstruction. In addition, I have no evidence that the changes the condition would require are possible to achieve in the context of the current access and thus consider it would be unreasonable, as well as unnecessary, to impose the condition suggested.
12. Finally, I have not imposed the County Council's suggested condition (iii). No changes are proposed to the current parking and turning areas. No concerns were raised relating to their existing layout, surface or drainage and thus I consider it unnecessary and unreasonable to impose a condition requiring further details to be agreed in this case.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR