

Appeal Decision

Site visit made on 3 October 2016

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 14th October 2016

Appeal Ref: APP/U2615/W/16/3153087

25 Rollesby Road, Martham, Norfolk NR29 4SW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Tracy Roofe against Great Yarmouth Borough Council.
 - The application Ref 06/16/0206/F, is dated 22 February 2016.
 - The development proposed is the demolition of the existing garage and the erection of a single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted her appeal following the Council's failure to give notice of its decision within the prescribed period (8 weeks in this case). The Council subsequently issued a 'decision' on the 30 June 2016. However, as the appeal had already been submitted the Council's decision has no formal status. I have therefore treated it as an indication from the Council that, had it been in a position to determine the application, it would have refused it for the three reasons set out in the decision notice.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on:
 - Highway safety, with particular reference to visibility and the suitability of the access;
 - The living conditions of residents, with particular reference to the adequacy of the proposed garden and any noise and disturbance; and
 - The character and appearance of the area.

Reasons

The effect on highway safety

4. The appeal site encompasses a large domestic outbuilding and the space immediately around it. The outbuilding is currently used as a garage, store and workshop and is located to the rear of 27 Rollesby Road (No 27) but within the curtilage of 25 Rollesby Road (No 25), the 'donor' property owned by the
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appellant. Access to the outbuilding is provided by a gravel driveway located between Nos 25 and 27. The access is approximately 3.1m wide at its narrowest point.

5. It is the intention of the appellant that the existing driveway would function as the vehicular access to both the proposed bungalow and No 25. Parking would be provided in the rear garden of No 25 to serve the existing property and within the curtilage of the proposed bungalow to serve its future occupants. A turning head positioned in front of the proposed bungalow would enable the owners of both properties to turn their vehicles within the confines of the appeal site and exit in a forward gear.
6. The Local Highway Authority (LHA) have considered TRICS¹ data and are of the view that the new dwelling is likely to add 6 vehicular movements per weekday. No substantive evidence has been submitted that would lead me to disagree with the TRICS data or to support the appellant's proposition that there would be fewer movements. As such, there is a high probability that the appeal scheme would result in a material intensification in the use of the existing driveway and access.
7. The existing access has limited visibility splays when these are measured from a point 2.4m back from the carriageway edge. When looking north, visibility at the access has been measured by the Local Highway Authority at 36m and 1.4m when looking south. Visibility is particularly restricted to the south as the splay is across the driveway of No 27 and is therefore likely to be obscured by parked cars. The appellant does not dispute these figures and has not provided a drawing demonstrating alternative visibility splays. Given that Rollesby Road is subject to a 30mph speed limit, I share the view of the LHA that visibility splays should be 2.4m x 43m when applying guidance in Manual for Streets. As such, the visibility at the access is inadequate and thus unsafe given the intensification in use that would occur as a consequence of the proposal.
8. I note that when looking left, oncoming vehicles moving north would, on most occasions, be on the far side of the carriageway. However, this will not always be the case as vehicles may stray into the middle of the road to pass cyclists and parked cars. In any event, at only 1.4m the visibility to the south is significantly below the applicable standard in Manual for Streets.
9. The risk to highway safety from inadequate visibility would be compounded by the shared function of the driveway, which is below the minimum width set out in relevant guidance² and thus too narrow for two cars to pass. Therefore, if a car entering the site were to meet a car that was exiting, then the car entering may need to reverse into Rollesby Road. As the visibility at the access from Rollesby Road is inadequate, such a manoeuvre would be unsafe.
10. In coming to this view I note that it is not inevitable that a motorist would need to reverse into the road if two vehicles were to meet in the access, as the motorist exiting the site could reverse back from whence they came. However, this cannot be relied upon. It is also unlikely to be a common occurrence that two vehicles would meet in the driveway. But this is not sufficient mitigation, as it may only take one occurrence to create an accident. I also note that the access is 4.5 m wide at the entrance from Rollesby Road with an apron 7.6m

¹ Trip Rate Information Computer System

² Safe, Sustainable Development, Revised November 2015 – Norfolk County Council

deep. Nevertheless, I share the view of the LHA that the natural path of a vehicle entering the site would be into the driveway itself and not the space to the side. As such, it is unlikely that the apron would be consistently used as a passing place.

11. I also share the view of the LHA that there is a significant likelihood that the occupants of No 25 would park their vehicles in the apron, thereby diluting its ability to function as a passing place. This is because it would be particularly convenient for the owners of No 25 to park their vehicles in the apron to the front of the property due to the low level of parking proposed and to avoid having to negotiate the narrow access. This would especially be the case for visitors. As such, I am not satisfied the apron to the front would mitigate for the limitation posed by the narrow access drive.
12. During my site visit I observed that other properties in the vicinity of the appeal site were devoid of off-road turning space and therefore motorists exiting these properties would have to reverse into Rollesby Road. However, it was not apparent whether there was a lack of turning space and inadequate visibility. Consequently, these other accesses do not justify the appeal scheme. Likewise, given my findings above, the absence of accident data is not a sound reason to permit the intensification in the use of the existing access when there would be inadequate visibility and insufficient space for two cars to pass.
13. I therefore conclude that the proposal would harm highway safety contrary to Policies CS9 and CS16 of the Core Strategy 2015 (CS) and saved Policy HOU17 of the Great Yarmouth Borough Wide Local Plan 2001 (LP). These policies require suitable vehicular access arrangements, an aim consistent with Paragraph 32 of the National Planning Policy Framework (the Framework).

The effect on living conditions

14. The proposed bungalow would fill much of the plot in which it is intended to be positioned. This would leave little room for outside amenity space. The space that would be available would be narrow, overlooked from the first floor windows of Nos 25 and 27 and shaded by trees on the southern boundary of the appeal site, which are outside the appellant's control. The very presence of the proposed bungalow would also inhibit sun and day light in penetrating the outside space on the northern side of the plot. The Council have also suggested that No 25 and 27, being two storey properties, would result in over shading of the bungalow and its garden space. I have no reason to disagree. As such, I share the view of the Council that the proposed external amenity and garden area would be an uninviting space and this would result in inadequate living conditions for the future occupants of the bungalow.
15. Additionally, the close proximity of the turning area and driveway to the gardens and flank elevations of Nos 25 and 27 would result in a high level of noise and disturbance when vehicles are manoeuvring, entering and exiting the site. Such movements could be at unsociable hours. I accept that in respect of No 27 this is the case at present, as the existing outbuilding is used as a garage. However, the appeal scheme would harmfully intensify this activity with motorists associated with two properties using the driveway and turning area.
16. I therefore conclude that the living conditions of the occupants of Nos 25 and 27, as well as those of the future occupants of the bungalow, would be

harmfully inadequate. This would place the proposal at odds with Policy CS9 of the CS and saved Policy HOU7 of the LP, which seek to prevent development from occurring if it would be to the detriment of residential amenity. This is an objective consistent with Paragraph 17 of the Framework.

The effect on the character and appearance of the area

17. I share the view of the Council that the proposed bungalow would appear cramped due to its site coverage relative to the plot size. The cramped appearance would not be prominent in views from the public realm. But it would be conspicuous from neighbouring properties and through the gaps between them. The extent of the impact would be such that, on balance, I consider the proposal would harm the spacious character and appearance of the area. As such, it would be viewed as a discordant intrusion into the space behind the existing properties in Rollesby Road and Pine Close.
18. The existing garage building is a substantial structure and I accept that the proposed bungalow would be of a similar scale. However, the existing garage is viewed as a subservient outbuilding to a larger house. The proposed bungalow on the other hand would be seen as a separate dwelling in a discordant position behind the discernable building lines of Rollesby Road and Pine Close. This would jar with the grain and flow of development in the immediate area. As such, the presence of the existing garage does not justify the appeal scheme.
19. The scale and appearance of the proposed bungalow would have some visual affinity with the bungalows in Pine Close. However, this would not mitigate for the discordant siting and cramped appearance. When considered as a whole, I am not satisfied the proposal would integrate sufficiently with the character and appearance of the area.
20. I therefore conclude that the appeal scheme would harm the character and appearance of the area. Consequently, it would fail to adhere to Policy CS9 of the CS and saved Policies HOU7, HOU16 and HOU17 of the LP. These Policies require a high standard of design and layout that responds to, and draws inspiration from, the surrounding area. Aims consistent with Paragraph 58 of the Framework.

Other Matters

21. The appeal scheme would provide a new dwelling in an established community served by public transport, education and shopping facilities. However, these are benefits to be expected of most new development and are not sufficient to outweigh the harm I have identified. The appellant has referred to an approved application (Ref. 06/15/0025/F) close to the appeal site. But as the details of this are not before me I am unable to afford it any meaningful weight. In any event, I have considered the appeal scheme on its own merits.

Conclusion

22. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR