
Appeal Decision

Site visit made on 6 December 2016

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 12 December 2016

Appeal Ref: APP/V2635/W/16/3158774

Land adjacent 2 Lime Kiln Lane, Stoke Ferry, King's Lynn, Norfolk PE33 9UA

- 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 & Mrs E Fuller against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 16/00210/F, dated 2 February 2016, was refused by notice dated 4 April 2016.
 - The development proposed is a dwelling and associated garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time it made its decision, the Council's Development Management Policies document had not been adopted, but this document was adopted in September 2016¹. I have taken this into account in my decision.

Main Issue

3. The main issue in the appeal is the effect of the proposal on highway safety.

Reasons

4. The appeal site is within the village of Stoke Ferry and is residential garden land associated with 2 Lime Kiln Lane. The lane is a narrow private road which leads from Lynn Road and serves four dwellings including that on the Lynn Road frontage. Lynn Road is a main route from the A134 into the village and is subject to a 30 mph speed limit.
5. I saw on my visit that the lane is of single vehicle width although there is a space which could allow for two vehicles to pass. There are walls on either side of the junction which, together with an adjacent telegraph pole obstruct visibility for drivers emerging from the lane. The footway along this part of Lynn Road is narrow and drivers would have to edge out into the carriageway to see oncoming traffic. At the time of my visit vehicles were parked along the road. I understand that parking regularly takes place in association with shops opposite. Such parking would further obstruct visibility for emerging drivers and those travelling along the road.

¹ King's Lynn & West Norfolk Site Allocations and Development Management Policies Plan (2016)

6. The Department for Transport publication *Manual for Streets* (MfS) provides guidance on the required visibility splays. The appellant has measured 85th percentile speeds at 26 mph southbound and 30.4 mph northbound. MfS recommends visibility splays of 43m measured from a position 2.4m back from the carriageway edge for 30 mph. The set-back distance can be reduced to 2m in lightly-trafficked or slow-speed situations and lesser splays can be used for lower speeds. The available visibility measured from 2.4m back is 9m and 10m and from 2m back is 11m and 17m.
7. The road is a main through route which carries at least 1,000 vehicles in each direction daily as measured by the appellant. 85th percentile speeds were measured at slightly above the speed limit of 30 mph and many of the vehicle speeds measured were between 31 and 45 mph. The speed and volume of traffic on Lynn Road and its function as a main route into the village indicate that it is not a lightly-trafficked or slow-speed route and therefore the 2.4m set-back distance should be used. However whichever splay measurement is used the available visibility in both directions is substantially below the requirement in MfS.
8. The appellant has drawn attention to other situations in the village where narrow roads adjoin main roads. The Highway Authority points out that in those cases there is either sufficient visibility available or the volume of traffic carried by the roads in question is limited. There may be other examples of sub-standard accesses in the village but circumstances vary and the proposal must be considered on its individual merits.
9. The appellants' Transport Statement assesses the likely additional trip generation at 5 movements per day with only 1 extra movement in the afternoon peak. The Highway Authority disputes the methodology used and considers that there would be likely to be 6 extra movements per day. Although the number of additional trips would be limited this would be a significant proportion in relation to the number of existing trips generated on Lime Kiln Lane.
10. The increased use of the access onto Lynn Road would potentially be hazardous to highway safety given the very limited visibility, the significant numbers of vehicles using the road and their likely speeds. Emerging drivers would not be able to see oncoming traffic and would have to edge out into the road. Drivers travelling along the road would also have limited visibility of vehicles emerging from the access, particularly given the parked vehicles. There is no evidence of an existing highway safety hazard at the junction in terms of personal injury although there is a recorded accident further along the road. The lack of evidence for accidents at the junction does not however justify the intensification of its use.
11. For these reasons I conclude that the proposal would be prejudicial to highway safety and that the residual cumulative impact in this respect would have the potential to be severe. The proposal would not accord with paragraph 32 of the National Planning Policy Framework which requires that safe access is achieved.
12. Policy CS08 of the Core Strategy² requires development to be sustainable. As part of that requirement the policy requires development to be safe. Policy

² King's Lynn & West Norfolk Core Strategy (2011)

CS11 requires provision of safe and convenient access for all modes of transport. Policy DM15 of the Development Management Policies has a similar requirement. For the reasons given the proposal would not accord with those policies.

Other Matters

13. The site is within the Stoke Ferry Conservation Area. The Council has no objection to the proposal in terms of it preserving or enhancing the character or appearance of the Conservation Area. I see no reason to disagree with that assessment.

Conclusion

14. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR