
Appeal Decision

Site visit made on 21 December 2016

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 26 January 2017

Appeal Ref: APP/L2630/W/16/3156724

Land adjacent to Jaemeen House, Norwich Road, Thurton, Norfolk NR15 1AS

- 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 FyeBridge Developments Ltd against the decision of South Norfolk District Council.
 - The application Ref 2015/1312, dated 8 June 2015, was refused by notice dated 30 June 2016.
 - The development proposed is 2 new dwellings and associated garaging.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the site address from the appeal form. The only difference between this and the same on the planning application form is the inclusion of 'land adjacent to....' I am of the view that this address best identifies the site for the purposes of this appeal and have proceeded on this basis.

Main Issue

3. The main issue is whether or not the proposed development would be acceptable in terms of highway safety.

Reasons

4. The proposed development seeks planning permission for two dwellings on the appeal site. The appeal site would be accessed via a spur road which was part of the old A146. The spur road connects to the new A146 via a junction which is at right angles to the carriageway.
 5. Due to the constant and free flowing nature of the traffic along this stretch of the A146, northbound vehicles accessing the appeal site would have to slow down and stop in a live lane of traffic and wait to turn. Whilst stopping in the opposite direction would be unlikely, the slowing down of vehicles exiting the main road would be likely to interfere with the flow of traffic. At the time of my visit it was clear from evidence of damage to the near side verge opposite the access that vehicles are already using this to avoid waiting vehicles.
 6. Taking into account the speed and largely unimpeded flow of traffic along this stretch of road, it seems clear to me that vehicles stopping in a live
-

carriageway whilst waiting to execute a right turn is not an acceptable situation in safety terms. Whilst I note that recorded accidents at the point of the access are low, I have been supplied with evidence that demonstrates that there have been a number of accidents involving this sort of manoeuvre elsewhere, one of which was fatal. The position of the access relative to the new A146, the fact that it is relatively unmarked and that the carriageway is unlit are all factors that add to my concerns in relation to highway safety at this point.

7. I accept that the spur road remains part of the public highway and it is not, by definition, a private driveway. However, in use terms, its role is to provide access to a private dwelling. Regardless, and whilst opinion on exact numbers differs, it appears to be common ground that the proposed development would increase the use of the junction onto the new A146. To this end, the appellant has made three suggestions for improvements which aim to mitigate the potential effect of the proposed development on highway safety.
8. I accept that the widening of the bell mouth where the junction meets the south bound carriageway would have a positive effect for access into the appeal site for southbound vehicles. In effect, this solution would make the turn into the site less abrupt, meaning that vehicles exiting the main road would not need to slow down to such an extent as they do now.
9. The access point onto the new A146 is relatively inconspicuous. It has a low verge, is close to a drop in land levels and is not heavily marked. Making the junction point more conspicuous through the use of additional marker posts, as well as the proposed widening, would therefore be beneficial.
10. The third suggested improvement is a nearside passing lane which would, in theory, enable northbound vehicles to pass a vehicle waiting to turn right into the access.
11. The damage to the verge that I noticed as part of my site visit suggests that avoidance measures are already being taken by vehicles held up by the one waiting to turn right. The inclusion of a nearside passing line would in effect formalise and encourage this evasive action, but would not remove the hazard of a stationary vehicle waiting in what would become the middle of the road.
12. Through signage and warning markers I have no doubt drivers could be made aware of the mechanisms of the nearside passing lane and this would also respond to the Council's concern that the lane would be used as a layby. However, the free flowing and constant nature of the traffic along the road would mean a vehicle may be waiting, stationary in a live carriageway of vehicles travelling approximately 50mph, along an open and straight stretch of unlit road, for a significant period of time. This is a situation that evidently causes problems now, and would only be exacerbated by the additional movements attributed to two further dwellings.
13. I accept that, as the current owner of the existing dwelling has confirmed, some of the solutions suggested would be positive for the existing use of the access. However, for the reasons outlined above, these improvements would not outweigh the potential negative highway safety implications of the extra vehicles generated by a further two dwellings.

14. In arriving at the above conclusion I have taken into account the appellant's analysis and conclusions relating to the traffic survey and accident data supplied. These are, however, snap shots of existing situations extrapolated into methodologically based assumptions. They cannot to my mind take into account what may happen as a result of an individual's decision, reacting to parameters and hazards or obstacles that are yet to occur. In this case, the increase in the frequency of use and manoeuvres associated with what is, evidently, a dangerous junction, have the potential to have a direct effect on human life and consequently should not in my view be taken lightly.
15. When taking all of the above into account therefore, I consider that the proposed development would have an adverse effect on highway safety and as such would be contrary to Policy DM3.11 of the South Norfolk Local Plan 2015. This Policy sets out, amongst other things, that development will not be permitted that endangers highway safety or the efficient functioning of the highway network. There would also be conflict with the Framework which states that, amongst other things, decisions should take account of whether safe and suitable access to a site can be achieved for all people.

Other Matters

16. The evidence before suggests that the proposed development would be a self-build project for which I note there is support at a national level. Whilst clearly a benefit, it would not be sufficient to outweigh the harm that I have identified in this case.

Conclusion

17. For the above reasons and having regard to all other matters raised, the appeal is dismissed.

John Morrison

INSPECTOR