
Appeal Decision

Site visit made on 20 March 2017

by S D Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 29th March 2017

Appeal Ref: APP/F2605/W/16/3164540

Land adjacent to Fairfield House, Dereham Road, Scarning, Norfolk NR19 2PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs C Price against the decision of Breckland District Council.
 - The application Ref 3PL/2016/0658/O, dated 25 May 2016, was refused by notice dated 29 June 2016.
 - The development proposed is erection of detached dwelling with garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application has been submitted in outline with all matters reserved for future consideration except access and scale. Plans have been submitted showing a possible front elevation; the footprint of the proposed dwelling; and the proposed access arrangements. Although the description of development refers to a detached garage the plans show an attached garage to the side of the proposed house. I have dealt with the appeal on the basis of the plans in so far as they relate to the matters which are not reserved.

Main Issues

3. The main issues for the purposes of this appeal are: whether safe and suitable access would be provided taking particular account of the extent of achievable visibility splays; and the effect of the proposed development on the character and appearance of the area.

Reasons

Highway Safety

4. There is one access to Fairfield House from Dereham Road. The appeal site is part of the garden of Fairfield House and the proposals include creating a new access between the Fairfield House access and the one serving the adjacent property Homeleigh.
 5. The C470 Dereham Road is designated as a Local Access Route in the Norfolk County Council Highway Authority Route Hierarchy. This is a feeder road carrying traffic from main centres and a distributor route to significant communities. It was originally part of the A47 trunk road network nearby and
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- has a straight open alignment with a downhill gradient from north-east to south-west. The Highway Authority states that consequently vehicles travel close to or above the 50mph speed limit that is in force. There is no street lighting and there is a rural hazard centreline marking on the carriageway.
6. The Highway Authority has adopted the Design Manual for Roads and Bridges for the safety standards for visibility on roads with design speeds of more than 37mph. Therefore I give its guidance significant weight in my considerations whether or not it is only mandatory for motorways and trunk roads.
 7. In this case the Manual recommends clear visibility of 160m to either side of an access from a 2.4m setback. Given the restricted width of the frontage and the narrowness of the highway verge the appellants would not have control over sufficient land to provide the recommended visibility splays. The Highway Authority estimates that the achievable visibility in the approaching traffic direction would be some 50m and in the other direction would be some 30m. This would be about 19% and 31% of the recommended safety standards. I have seen no evidence to demonstrate that the 85th percentile traffic speeds are lower than the currently assessed design speeds which might justify reduced visibility standards.
 8. The proposed dwelling would generate a significant increase in turning movements with restricted levels of emerging visibility onto a road of fast moving traffic. Vehicles emerging from the appeal site would be likely to be at risk in protruding forward into the carriageway. It is also necessary for vehicles travelling at speed along the highway to be able to see vehicles waiting to join it. On this basis I conclude that due to the low standard of achievable visibility the proposal, by generating additional turning movements, would result in an additional high risk of collisions which would be detrimental to highway safety.
 9. I have taken account of the fact that Fairfield House and Homeleigh have less than ideal available visibility from their respective drives. I have also been advised that there has only been one personal injury accident nearby in recent years. However, neither of these matters amounts to a reason to accept a new development generating additional turning movements with such a restricted level of visibility. From my observations during my site visit it did not seem to me that any additional maintenance of hedges along the highway boundary would significantly improve overall visibility.
 10. The setting back of the existing hedge for 4m along the side boundaries and along the whole of the Fairfield House frontage could improve visibility for the existing properties. However I have seen no detailed evidence showing the effect of this on the overall extent of achievable visibility splays. In the absence of such evidence I cannot safely conclude that the appropriate visibility for the additional turning movements associated with a new dwelling would be achievable or whether any shortfall would be outweighed by the improvements for the existing dwellings. Accordingly I give this matter relatively little weight.
 11. Without the land being in the control of either the appellants or the Highway Authority satisfactory visibility splays could not be achieved. For the reasons set out above I conclude that it has not been demonstrated that safe and suitable access would be provided for all as required by Policy CP4 of the Core Strategy and Development Control Policies Development Plan Document 2009 (the DPD) and Paragraph 32 of the National Planning Policy Framework (the Framework). I give this matter great weight in my considerations.

Character and appearance

12. Fairfield House is one of two residential properties sharing a side boundary. It is separated from other residential properties by Dereham Road and open fields/allotments. The A47 to the south west is raised over Dereham Road on concrete abutments.
13. An additional house between Fairfield House and Homeleigh would not, in principle, be out of keeping with the prevailing character along Dereham Road of open fields interspersed with small groups of houses. These groups vary in style, size and design with a mix of terraced, semi-detached and detached houses and bungalows. Where there are detached houses these are generally set in spacious gardens.
14. Fairfield House is a detached two story dwelling whereas Homeleigh is a bungalow. The proposed dwelling would have two storeys but with lower eaves and ridgeline compared to Fairfield House. It would be setback broadly in line with the fronts of the adjoining properties. In these respects the proposed dwelling would not, in principle, be out of character with other groups of nearby houses.
15. However, although sufficient garden space would be provided in front and behind, due to the proposed width of the house and the position of the garage at the side, there would be very little open space to either side of the proposed building. This would be out of scale and character with the detached properties in the nearby area and would result in a cramped appearance in the predominantly open landscape to the north-east of the A47. The scale, which includes width, of the proposed development is for consideration as part of this appeal and therefore it would not be appropriate to use a condition to seek an alternative scale.
16. The proposed development would make more intensive use of the site, but garden use is an effective use in its own right. Accordingly this does not lead me to any different conclusion in this case.
17. For the reasons set out above I conclude that the proposed development would have a limited degree of harmful effect on the character and appearance of the area. Accordingly it would be contrary to Policy DC16 of the DPD and those requirements of the Framework that seek good quality design that respects the character and appearance of the area. I give this matter some weight in my considerations.

Other considerations

18. The appeal site is located outside the defined Settlement Boundary of Scarning, which is a rural settlement and has few services. Dereham is some 1.7m to the east. There is an unlit footpath on the other side of the road to the appeal site which provides pedestrian access to Dereham and Scarning and some limited public transport is available. The Council considers the site would not be wholly isolated and, from all I have read and seen, I find no reason to come to a different view.
19. The proposed development would provide a small positive addition to the supply of housing in the District irrespective of whether the Council can demonstrate a five year deliverable supply of housing land or not. It would also provide short term employment during construction and help support the local

rural community. These benefits would satisfy the social and economic dimensions of sustainable development as set out in Paragraph 7 of the Framework and weigh in favour of the proposal.

20. In not providing the safe access required and in harming the character and appearance of the area, albeit to a limited extent, I find the proposal would not satisfy the environmental dimension of sustainable development as described in Paragraph 7 of the Framework. Paragraph 8 of the Framework requires that the three dimensions are taken together and, in failing to meet the environmental one, the proposal would not amount to sustainable development and therefore could not benefit from any presumption in favour of sustainable development as set out in Paragraph 14 of the Framework.

Other Matters

21. The appellants have expressed concerns about the way in which the Council dealt with the planning application. However, such concerns have no bearing on material planning considerations and I have considered the appeal on the relevant planning merits only.

Conclusion

22. Planning applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise¹. As set out above some benefits would arise from the proposal. However, I conclude that these matters do not outweigh the failure to demonstrate safe access or the harm I have identified to the character and appearance of the area. In conflicting with Policies CP4 and DC16 of the DPD the proposal would not conform to the development plan as a whole. For the reasons set out above, and taking into account all other relevant matters raised, I conclude the appeal should be dismissed.

SHarley

INSPECTOR

¹ Section 38 of the Planning and Compulsory Purchase Act 2004