
Appeal Decision

Site visit made on 24 September 2019

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2019

Appeal Ref: APP/Y2620/W/19/3224606

The Nurseries, Theatre Road, Wells-Next-The-Sea NR23 1DS

- 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 Brundall, Norfolk Heritage Coastal Developments Ltd against the decision of North Norfolk District Council.
 - The application Ref PO/18/1281, dated 10 July 2018, was refused by notice dated 18 October 2018.
 - The development proposed is the erection of 4 no. dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the development would preserve or enhance the character and appearance of the Wells-next-the-Sea Conservation Area; and
 - The effect of the development on highway safety.

Reasons

Conservation Area

3. The appeal site is located on Theatre Road and is currently occupied by a detached dwelling, outbuildings and associated garden land. The site falls partially within the Wells-next-the-Sea Conservation Area, comprising the easternmost part of the site, with the remainder located outside.
4. The existing property on site is to be retained with 4 dwellings to be introduced into the site alongside it. The submitted layout plan is indicative only and I have considered the appeal on this basis. However, the indicative layout shows the dwellings arranged with three across the site frontage and one set back into the rear part of the site.
5. Theatre Road and the surrounding streets are relatively narrow with mixed scales and designs of buildings present. This part of Theatre Road is characterised by the presence of brick walls along the appeal site side of the road and buildings which abut the highway on the opposite side. The wall forming the front boundary of the appeal site is a prominent red brick and flint wall with historic value which contributes to the character of the Conservation

- Area. Beyond the appeal site, there are examples of similar walls but punctuated by larger accesses and lower in height.
6. The proposed development would involve the removal of a significant amount of the frontage wall, as well as reducing some of the remaining wall to allow for visibility at the proposed access. The wall is around 2 metres in height at present and contributes positively to the character and appearance of the area and views into the Conservation Area. Therefore, I find that the loss of a significant part of the wall and its alteration would significantly alter the character of the area and impact upon the sense of enclosure and historic merit of the street scene at this point. It would therefore be harmful to the Conservation Area and views into and out of this.
 7. The Appellant considers that the proposed frontage dwellings would serve to retain a sense of enclosure and mitigate the impact from the loss of the wall. However, the indicative layout is not committed, and it cannot be assured that the dwellings would be located in this position. Notwithstanding this, the dwellings along this side of Theatre Road are set back and not immediately adjacent to the road which may require the proposed dwellings to be set back further than indicated. The indicative plans show a more modern looking design for the dwellings and I therefore find that they would not mitigate against the loss of enclosure or the loss of the prominent and historic front wall. I am therefore not persuaded that suitable mitigation would be achieved in this regard.
 8. The Council have raised concerns over the impact of three storey properties on the site frontage. However, at this stage matters of the design and scale of the properties are reserved for later consideration. On the basis of the information before me it is not clear that the site could be developed for four properties that would not give rise to harm to the visual character of the area or impact on the living conditions of adjoining properties. Nevertheless, these matters would be fully considered at reserved matters stage. However, in any event the partial loss of the wall would be harmful to a degree that would make the development unacceptable.
 9. I find the harm identified above to be less than substantial. Paragraph 196 of the National Planning Policy Framework (2019) (the Framework) states that in the case of less than substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The Appellant has identified the benefits of the proposal which would be the creation of a safe place for pedestrians and other users in the absence of footpaths along Theatre Road and the sites proximity to safe access to local facilities. In addition, the development would contribute 4 additional residential units towards the Government's housing targets. I find however, that taken collectively, these are not sufficient to outweigh the harm arising from the significant loss of parts of the wall and its resulting harm to the character and appearance of the area.
 10. Accordingly, the proposal would fail to preserve or enhance the character and appearance of the surroundings and Conservation Area. It would therefore fail to comply with Policy EN8 of the North Norfolk Local Development Framework Core Strategy (2008) (Core Strategy) which requires development proposals to preserve or enhance the character and appearance of designated assets, other important historic structures and their settings through high quality, sensitive

design. It would also fail to comply with the requirements of Section 16 of the Framework.

Highway Safety

11. The appeal site has an existing access which would be retained for the existing property. The proposal includes details of the access for consideration at this stage and would introduce a central access point to serve the 4 dwellings. The access would be onto Theatre Road which is relatively narrow and subject to a 30mph speed limit.
12. The Council have raised concerns over the visibility from the proposed access and the potential for vehicle to vehicle and vehicle to pedestrian conflict as a result of the proposed development. The Council consider that it is likely that 4 new properties would be likely to generate around 24 vehicular movements per day, which would result in a notable increase in vehicular activity.
13. The Appellant has provided a transport statement which includes details of a traffic speed survey. This identified that in both east and westbound directions the presence of the junction and bend in the road served to slow traffic down, often to below 10mph and that the presence of pedestrians also resulted in traffic slowing down. I acknowledge that the survey was taken outside of the tourist season however, whilst it is likely that traffic levels may increase during these times, particularly with visitors wishing to access the Stearmans Yard car park, I find that the sharp bend and junction would still be likely to restrict speeds to below the 30mph limit.
14. The Appellant has indicated that, based on the speeds recorded, and considered in relation to the formula contained within Manual for Streets 2, the visibility requirements for the development would be 19.67 metres westbound and 7.56 metres eastbound and these have been detailed on the indicative layout plan. However, the County Council's Highway Officer has raised concerns that the visibility splays have not been measured appropriately and would not therefore cater for cyclists or pedestrians. Notwithstanding these considerations, to achieve the required visibility splays it would require the removal and reduction of significant sections of the historic wall and for the reasons detailed in the above section this would be harmful. As such, I find that it has not been adequately demonstrated that suitable visibility splays could be achieved.
15. Theatre Road is currently devoid of footpaths on both sides of the road and the positioning of the boundary treatments and properties provides little room for walking other than within the carriageway. The proposed development would provide an area for pedestrians to stand clear of the highway which would provide some benefit, despite being isolated from any other pedestrian facilities. Whilst the development would result in the potential for additional pedestrians to have to walk along the road to and from their properties, I have had regard to the existing situation along this part of Theatre Road.
16. In addition, the appeal site is located in proximity to Lugger Yard and Stearmans Yard Car Park, both of which provide access to services and facilities within Wells. In addition, the Appellant has identified links to the south via Gales Court. Whilst these would require people to walk along part of Theatre Road, this is an existing situation and would not be so harmful as to render the

development wholly unacceptable in terms of pedestrian access. I therefore conclude that pedestrian links from the site would be suitable.

17. The County Council have stated that they accept that cycle parking could be addressed and as such it is not necessary for me to conclude on this matter.
18. Based on the information before me, I therefore conclude that, whilst vehicle speeds are reasonably low in proximity to the appeal site and suitable pedestrian access is available, it has not been sufficiently demonstrated that adequate vehicular visibility splays at the proposed access point could be achieved. As such, the proposed development fails to comply with Policies EN4 and CT5 of the Core Strategy. Collectively these seek to ensure that development provides safe and convenient access without detriment to the amenity or character of the locality, amongst other things.

Conclusion

19. For the reasons given above, and having regard to all matters raised including the letter from a neighbour and the accident data, I conclude that the appeal should be dismissed.

R Norman

INSPECTOR