



Appeal Decision

Site visit made on 31 January 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2020

Appeal Ref: APP/V2635/W/19/3241725

Bridge Bungalow, Hardwick Road, Kings Lynn, PE30 4HR

- 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 K Norman against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 18/01331/0, dated 19 July 2018, was refused by notice dated 6 June 2019.
 - The development proposed is an outline application for six dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal application has been submitted in outline form with all matters reserved for subsequent approval. However, included with the application submission is a plan which shows how the site could be developed, including its access point. However, I have only treated this plan as being indicative. The application and appeal are also supported by a site access strategy review.
3. Whilst all matters are reserved for subsequent approval, the red line of the application is such that there is only one position where the access could join Hardwick Road. Therefore, whilst the exact details of the access itself are not for consideration, it is possible to determine whether there is a reasonable prospect that an acceptable access could be provided.

Main Issue

4. The main issue is the effect of the development on highway safety.

Reasons

5. The appeal site is located on the north-east side of Hardwick Road (the A149) which is one of the principal routes into Kings Lynn. To the south-east of Bridge Bungalow is the Kings Lynn to London railway line whilst to the north-west of the appeal site is Pierpoint Drain. Hardwick Road rises from the appeal site access point to the bridge over the railway line. The carriageway falls on the other side of the bridge towards the retail parks beyond. The road has three lanes in the vicinity of the appeal site with one lane heading south-east and two lanes heading north-west (towards the town centre).
6. The main part of the appeal site itself is set at a much lower level than Hardwick Road owing to the bridge over the railway line. The existing access

drive falls sharply and it is likely that some land level alterations would be required to provide a suitable access. However, that detail is not before me, nor is it for me to explicitly consider at this stage.

7. From the evidence before me, Hardwick Road has a 40mph speed limit and at my site visit I observed that traffic was busy in both directions. I also observed traffic travelling south-easterly, at times, backed up to near the appeal site access from the traffic lights at the retail park on the opposite side of the railway bridge. However, this also cleared quickly with traffic free flowing shortly afterwards. Whilst my visit was only a snapshot in time, it nevertheless provided me with a good understanding of the highway pressures in the area.
8. The access to the proposed development would be located on the inside of a gentle bend. The Appellant has provided details of visibility splays for vehicles exiting the site which are 2.4 metres by 85 metres to the north-west (looking right from the access). However, it is significant that these splays rely on third party land and, as I observed on site, included obstructions such as the railings over the drain, street furniture, a tree, and possibly part of an existing boundary hedgerow. Therefore, to my mind, the details provided by the Appellant do not provide an accurate position in respect of visibility for vehicles exiting the site.
9. The County Council set out that the deliverable visibility splay which could be provided is only 24 metres, but if the above obstructions are discounted this would increase to 63 metres. However, the County Council consider that (even if the Appellants information is accepted in relation to the design standards) a minimum of 99 metres is required although the Appellant state that the desired visibility splay from MfS¹ and DMRB² is 81 metres.
10. Notwithstanding that, whichever figure is correct, the visibility available on land within the Appellants control (or within the County Councils demise) falls well short of these distances. The same also applies for forward visibility for traffic travelling in a south-easterly direction. However, I acknowledge that owing to the likely driver position on the road, this is unlikely to be as severe a deficiency as the available visibility for vehicles exiting the access.
11. Turning to visibility to the south-east, this is constrained by the railway bridge and the Appellant states that a distance of 60 metres is possible. This figure is not disputed by the County Council but it is clear that only the upper parts of a car travelling towards the access point would be visible at this distance.
12. The Appellant as also advanced the case that a distance of 71 metres visibility is possible if a "realistic" position of the vehicle is utilised. However, I cannot see any just reason to deviate from the acknowledged design standard of a height of 1.05 metres above the carriageway.
13. The County Council indicate a distance of 75 metres is required given the 85th percentile traffic speeds, although the Appellants advance a case that this should be 62.4 metres³. However, given the characteristics of the road I consider that the distance advocated by the County Council is the minimum distance required to ensure that a safe and suitable access is provided.

¹ Manual for Streets

² Design Manual for Roads and Bridges

³ Including an allowance for wet weather speed, gradient of the carriageway and bonnet length

14. In respect of forward visibility matters, when approaching the appeal site from the south-east the crest of the bridge restricts such visibility. From the Appellants statement, the forward visibility for traffic travelling in this direction is between 63 and 71 metres in distance (depending on whether a height of 0.6 metres or 1.35 metres above the carriageway is used at the point of access).
15. The County Council has identified that even if the 85th percentile speed is adopted, the required sight stopping distance (from DMRB) is 75 metres which is greater than what can be realistically achieved on site given the crest of the railway bridge. However, the Appellant states the distance should be 62.4 metres or alternatively (as the as the 85th percentile speed is less than 37mph in this direction) the guidance set out in MfS and MfS2⁴ is applicable and therefore a lesser design standard should be utilised. It is suggested that in this scenario a distance of 40 metres is appropriate.
16. However, I consider that given the road in this direction has two lanes and has a high level of traffic utilising it, it would be more appropriate to apply the design standards from DMRB. Furthermore, from the evidence before me, I am not convinced that the required visibility distance is as low as 62.4 metres as suggested by the Appellant.
17. I am also conscious that given the nature of the road one would not expect to be faced with a vehicle either slowing down or being stationary whilst trying to turn across traffic. It is also noted that the accident record provided by the County Council includes two accidents on this section of the A149 which involved rear end collisions, at least one of which was as a result of the driver of a vehicle failing to see a stationary vehicle waiting to turn right.
18. Taking these factors into account, I consider that the level of forward visibility available as a result of the railway bridge, together with the characteristics of the road itself, leads me to the view that there is insufficient forward visibility to ensure that there is not an unacceptable increase in highway danger as a result of vehicles slowing or stopping in the carriageway whilst waiting to turn right into the appeal site.
19. In summary, I therefore find that there is insufficient visibility for vehicles exiting the site in both directions and that forward visibility is unacceptably restricted by the railway over-bridge or to a lesser extent third party land.
20. Whilst I acknowledge that there is an existing access point, the development would result in a material increase in traffic using this access point to the extent that the identified deficiencies in visibility would result in an unacceptable increase in highway danger.
21. I have also considered whether a 'yellow box' hatching on the carriageway at the access point would make a material difference in my consideration of the main issue. Whilst this would undoubtedly have some benefit, especially when traffic travelling in a south-easterly direction was stationary, to my mind, it would not make any significant difference at other times. Therefore, whilst this aspect weighs in favour of the proposal, it would not outweigh the overall harm I have found.

⁴ Manual for Streets 2

22. Finally, in coming to the above conclusions I have also had regard to the appeal decisions⁵ which have been brought to my attention. However, I am not aware of the full details of these cases, nor whether they are materially similar to the current proposal. Moreover, each proposal must be considered on its individual merits.
23. For the above reasons the proposal would cause an unacceptable increase in highway danger and would be contrary to Policy CS11 of the Kings Lynn & West Norfolk Local Development Framework - Core Strategy (2011) which amongst other matters seeks to improve reliability and safety of travel within the A149 corridor and that new development should provide for safe and convenient access for all modes. It would also be at odds with the transportation aims of the National Planning Policy Framework.

Other matters

24. As part of the consideration of the planning application by the Council, and the appeal proceedings, comments have also been received which raise issues relating to contaminated land/landfill matters, emergency service and waste collection access, potential damage to the drain as a result of tree removal and potential privacy issues. However, none of the matters raised amount to a further compelling reason why planning permission should be withheld.

Conclusion

25. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR

⁵ References APP/L2630/A/14/2226538 and APP/F2605/A/13/2198987