The Planning Inspectorate

Appeal Decision

Site visit made on 22 September 2020

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 January 2021

Appeal Ref: APP/X3540/W/20/3252629
Green Banks, Thorington Road, Bramfield IP19 9JD

- 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 Paul & Keith Booth against the decision of East Suffolk Council.
- The application Ref DC/19/3556/FUL, dated 10 September 2019, was refused by notice dated 19 November 2019.
- The development proposed is described as 'proposed demolition of existing bungalow (Greenbanks) and erection of 5no. new dwellings comprising 3no. detached bungalows and 2no. semi-detached houses'.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council adopted the Suffolk Coastal Local Plan (LP) on 23 September 2020. Both main parties have had an opportunity to comment on the implications of this to the appeal. I have considered the appeal based on the development plan that is currently in place.

3. In an attempt to overcome the Council's objections, the appellant has provided an alternate access plan (drawing no 1373/SKETCH/005) in support of the appeal. In comparison with the access plan on which the Council made its decision (drawing no 1373/HWY/005), it shows that the adjoining residential property at Nepenthe would share a new vehicular access with the proposed dwellings from Thorington Road. It also shows a larger visibility splay to one side of the new access, which includes land that the applicant has acquired to the front of Nepenthe. The splay may also include land at 18 Pitmans Grove, but this is unclear based on the evidence submitted.

4. I have considered the matter in light of the principles established by the Wheatcroft[1] judgement. It is important that the proposal that I consider is essentially that which has been considered by the Council and on which interested parties' views have been sought. To do otherwise would be prejudicial to the positions of the Council and interested parties. The alternate access plan includes significant changes to the proposal and I cannot be sure that these have been considered by all interested parties. Furthermore, interested parties may not have commented on the application if they were

[1] Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

content with it as submitted and thus will be unaware of the changes. I have not taken the alternate access plan into account as a result.

5. The appellant submitted a further access plan in support of the appeal (drawing no 1373/HWY/005 Rev B). It states Y-distances for the visibility splays from the proposed access to the nearside edge of the Thorington Road carriageway, whereas the drawing on which the Council made its decision states Y-distances to the centre line of the carriageway. It provides clarification on the proposal that the Council considered and does not appear to incorporate additional areas of land within the splays or change the access arrangement. I have therefore taken it into account, as doing so will not prejudice any parties.

6. An automated traffic count (ATC) survey was submitted in support of the application. It indicates the number and speed of vehicles travelling along the road over 7 days. An additional 14 day survey has been submitted with the appeal. This constitutes evidence to support the appellant's case and does not change the proposed access arrangement. I have thus also taken it into account in making a decision.

7. The evidence indicates that the site is located within the zones of influence of Minsmere-Walberswick Special Protection Area, Special Area of Conservation and Ramsar site; Benacre to Easton Bavents Special Protection Area; and the Sandlings Special Protection Area (the European sites). The appellant has made a payment to the Council to be used to mitigate the effects of the proposal on the European sites.

Main Issue

8. The main issue is the effect of the proposed access arrangement on highway safety.

Reasons

9. The site comprises Green Banks, which is a residential property within the settlement boundary of Bramfield. Thorington Road is a relatively narrow road that slopes upwards away from the settlement and has a 30 miles per hour speed limit. There is no vegetation fronting the road within the site. However, there is vegetation along the site's boundaries with Nepenthe and Hill House. A field bound by hedges is located on the other side of the road, which features an access roughly opposite Hill House.

10. The appellant states that there is currently space within the site for 10 parked vehicles, a business runs from there which generates movements to and from it regularly, and vehicles often reverse from the access onto the road. However, there is nonetheless space for vehicles to turn in the site and emerge onto the road in a forward gear. Furthermore, there would be nothing preventing the occupiers of the proposed dwellings from running businesses, owning multiple vehicles or travelling to and from the site frequently. It is highly likely that the proposed access would be used significantly more often than the existing one.

11. The Council disputes the validity of the results of the second ATC survey because vehicles were parked within the access but encroached onto the highway during the survey period. The appellant acknowledges that a vehicle was parked there for 3 days; however, I cannot be certain as to whether any further vehicles were parked there for significant lengths of time during the

rest of the survey period. Although I have no reason to conclude that vehicles were parked there to influence the survey, this matter may have nonetheless reduced vehicle speeds to an extent by narrowing the effective width of the road. In any case, compelling reasons have not been provided for disregarding the results of the first ATC survey, which indicates that vehicles do travel above the speed limit in both directions. Moreover, the average 85th percentile speeds across the 3 weeks of surveying overall are in excess of the speed limit.

12. There are no features within the carriageway which restrict vehicles from crossing the centre line of Thorington Road. The width of the carriageway and the presence of the verges, vegetation and accesses along it may encourage drivers travelling westbound to position their vehicles towards the middle of the carriageway in the absence of oncoming traffic. Larger vehicles may also occupy a central position in the road. There is also some prospect of vehicles overtaking pedestrians and cyclists near the site, albeit this would likely do so at lower speeds. Nevertheless, I consider that the characteristics of the road indicate that the Y-distance for the eastern visibility splay should be measured to the nearside edge of the carriageway and not its centre line.

13. The drawings show that visibility splays of 2.4m x 33m and 2.4m x 36m can be achieved from the proposed access to the nearside edge of the carriageway to the west and east respectively. Whilst Manual for Street 2 states that Y-distances should be based on recommended stopping sight distance values, it also states that a reduction in visibility below the recommended values will not necessarily lead to a significant problem. However, in this case the Y-distances are markedly below the recommendations for the speed limit and raise concerns from the Highway Authority. Moreover, site specific evidence indicates that vehicles travel in excess of the speed limit. Having regard to the characteristics of the road and the levels of visibility for drivers, I consider that the access arrangement would result in an unacceptable impact on highway safety. Even if a larger western splay could be achieved within the appellant's control, the size of the eastern splay would nevertheless be insufficient.

14. The proposal is contrary to LP Policies SCLP5.7 and SCLP7.1, which require that accesses are appropriately designed and development does not reduce road safety. It is also contrary to paragraphs 108 and 109 of the National Planning Policy Framework, which seek to ensure that safe and suitable accesses are provided and unacceptable impacts on highway safety are prevented.

Other Matters

15. The Highway Authority raises concerns regarding accessibility from the site to local amenities for pedestrians and cyclists due to there being a lack of footways and street lighting nearby. However, due to the small distance to a footway near Pitmans Grove, the occupiers of the proposed dwellings would not be less likely to walk and cycle than the occupiers of other properties nearby.

16. I have taken into consideration the other matters raised by interested parties. However, the evidence provided is such that no other matter is so compelling that it leads me to a different conclusion on the main issue.

17. The appellant has put forward the proposal would make efficient use of land to contribute to the supply of housing in a location wherein services and facilities are relatively accessible and public transport options are available. However, these benefits do not outweigh the conflict with the development plan.

18. If I was minded to allow the appeal, I would need to be satisfied that the proposal would not adversely affect the integrity of the European sites. In doing so, I would need to consider whether the payment made by the appellant would secure the specific mitigation of any effects in this instance. However, as the appeal is being dismissed for other reasons, I do not need to reach a finding on this matter.

Conclusion

19. For the above reasons, the appeal is dismissed.

Mark Philpott

INSPECTOR