



Appeal Decision

Site Visit made on 13 July 2021

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 23 July 2021

Appeal Ref: APP/Y2620/W/20/3264123

Former Andrews Garage Site, The Green, Hickling, Norwich, NR12 0XR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant subject to conditions of consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mr Georg Herrmann against the decision of North Norfolk District Council.
- The application Ref CDC/19/0400, dated 27 May 2020, sought approval of details pursuant to conditions Nos 6 and 7 of a planning permission Ref PF/19/0400 granted on 10 July 2019.
- The application was refused by notice dated 24 July 2019.
- The approved development proposed is the erection of 2no. semi-detached two storey dwellings.
- The details for which approval is sought are:

Condition 6: Provision of visibility splays.

Condition 7: Provision of on-site parking and turning area.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the application meets the reasonable requirements of the conditions, with particular regard to the safety of users of the public highway.

Reasons

3. The appeal site fronts onto The Green, a street within the village of Hickling. There is a footway on the frontage of the site. Development within the site was recently granted planning permission¹ subject to conditions for the erection of 2no. semi-detached two storey dwellings.
4. Subsequently the appellant submitted an application to discharge Conditions 6 and 7 relating to the provision of visibility splays, parking and vehicle manoeuvring, which are the subject of this appeal, relying on the approved plans. There is no dispute between the parties as to the identification of the conditions or the importance of the issues which they address.

¹ Council Ref: PF/19/0400

5. Condition 7 is worded such that it prevents occupation of the dwellings until the car parking is laid out, levelled, surfaced and drained in accordance with the approved plan. The reason for the condition is given as to ensure the permanent availability of the parking and manoeuvring area in the interests of highway safety. The details on the Drawing No 285C05 Revision C (the layout plan) which is an approved plan, show seven car parking spaces, two spaces to the front of the dwellings, two to the rear and three between the new dwellings and the outhouse of Bay Cottage, the neighbouring dwelling to the north. No specific dimensions are shown other than the minimum setback of the visibility splays from the edge of the carriageway of the road, and the dimension restricting the height of planting within the splay. The layout plan also indicates that the driveway will be of shingle over roadbase but shows no other drainage details.
6. At the time of my site visit it was apparent that the development had not been completed in accordance with the details shown on the layout plan in regard to the provision of landscaping. The plan shows new planting on the frontage to the footway, and around parking to the rear and an angled pathway leading to the door of house a.
7. At my site visit the appellant and Council took measurements for the parking provision to the front and rear of the dwellings and the northern visibility splay. The parking to the front was some 6.1 metres in depth. This dimension was roughly constant.
8. Whilst I am satisfied that the area provided can accommodate two parking spaces, the layout plan shows these parking spaces to be staggered, with that closest to the road set back behind the visibility splay at the southern edge of the access. Whilst this area was, at the time of my visit, clear of any permanent obstruction over 600 mm high it has not been demonstrated that a parked vehicle would not, when parked in the area currently provided, obstruct the visibility splay. The visibility splay, amongst other things, provides a view of pedestrians as they approach the access. This would include children, and so visibility is necessary to see persons over 600mm high approaching, and this requirement is reflected in the details on the plan.
9. Condition 6 is worded such that it prevents occupation of the dwellings until the visibility splays shown on the approved plan have been provided. The details on the layout plan show two splays, but does not indicate any specific dimensions, other than that planting within the splay, but within 2.4 metres of the carriageway must be restricted to a maximum height of 600 mm. The same reasons are provided for requiring the condition as for Condition 7.
10. From the measurements that I took on site, and in the absence of any specific dimensions being shown on the plan, I am satisfied that the northern splay occupies the location shown on the plan and is sufficient to safeguard the public when walking on the footway.
11. However, as I have identified above, the southern visibility splay would be obstructed by a vehicle parked in the area currently provided that is closest to the road. This obstruction would result in an unacceptable risk of injury to vulnerable users of the highway, specifically small children, and such injury would be harmful.

12. The unobstructed area around the car parking to the north of the existing dwelling would provide sufficient space for the quantum of parking indicated and manoeuvring to allow cars to enter and leave in forward gear. The parking spaces to the rear measured 5.4 metres in width. There is 8.3 metres between the rear of the space and the new dwelling. On this basis I am satisfied that they would be able to accommodate two cars, parked side by side and that vehicles could, with care, use the manoeuvring area provided to access them and turn to enter and leave the site in forward gear.
13. The appellant has drawn to my attention that the Local Highway Authority are satisfied that the layout of parking and visibility splays accords with the approved plans. However the Council have not taken this view in making their formal decision. On the basis of the foregoing I have reached the same view as the Council.
14. Whilst the Council have concerns regarding the drainage arrangements for the drive, no details of drainage are indicated on the layout plan, or elsewhere. In this respect the works reflect the details of the approved drawing.
15. I also note the concerns raised by the Council regarding overall layout of the development being at variance with the approved layout plan. However, with the exception of the parking, and manoeuvring and visibility splays, this is a matter between the Council and the appellant.
16. Bringing these matters together I conclude that the application does not meet the reasonable requirements of the conditions, with particular regard to the safety of users of the public highway. It would therefore be contrary to the aims of Policies CT5 and CT6 of the North Norfolk Local Development Framework Core Strategy Incorporating Development Control Policies (2008) in as much as these, amongst other things, seek to ensure that adequate vehicle parking facilities are provided to serve the needs of the proposed development and that proposals provide for safe and convenient access.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

I Dyer

INSPECTOR