



Appeal Decision

Site visit made on 13 January 2022

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/Y2620/W/21/3272944

5 Meadow Way, Sheringham NR26 8NF

- 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 Stephen McDermott against the decision of North Norfolk District Council.
 - The application Ref PO/20/1327, dated 5 August 2020, was refused by notice dated 14 October 2020.
 - The development proposed is erection of a single detached property within the garden and adjacent to the existing property.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application is for outline permission with details of means of access submitted for consideration. The submitted plan¹ showing the proposed means of access also shows a possible layout which is intended to be indicative. I shall consider that plan on this basis.

Application for costs

3. An application for costs was made by Mr Stephen McDermott against North Norfolk District Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues in the appeal are the effects of the development on:
 - i) highway safety;
 - ii) protected trees; and
 - iii) the living conditions of occupants of the existing dwelling.

Reasons

Highway Safety

5. Meadow Way is a private unadopted cul-de-sac off the main Holt Road within the built-up area of Sheringham. It has a gravel surface and serves 11 dwellings. The speed limit on Holt Road is 30 mph and there is street lighting

¹ Ref 1802/10

on both roads. There is a footpath along the opposite side of Holt Road to the junction. Along the frontage of Holt Road on both sides of the junction there are hedges and fencing which form the boundaries to residential properties and are set behind grass verges. The classification of Holt Road has changed from a 'B' class to a 'C' class road, but its status remains as a Local Access Route in the County Council's Route Hierarchy.

6. The matter at issue is the visibility that is available from the junction of the two roads. There have been three previous appeal decisions² in respect of residential development at 5 Meadow Way which have all been dismissed because of inadequate visibility at the junction. I saw on my visit that visibility from the junction in both directions along Holt Road is restricted by the boundary features of the adjacent properties. Towards the south-west, visibility is restricted by a hedge. Towards the north-east, visibility is restricted by a fence and a utility box.
7. Speed surveys have been carried out previously and for this appeal which show similar volumes of traffic along the main road but that 85th percentile speeds have increased. The latest survey shows that between 40.8% and 48.7% of drivers exceeded the speed limit.
8. The parties disagree as to the visibility splay standard that should be applied. The highway authority has applied the standard in *Design Manual for Roads and Bridges* (DMRB) which, having regard to the actual vehicle speeds on Holt Road, requires splays of 2.4m x 90m in both directions from the junction. The appellant's position is that the relevant standards in *Manual for Streets (MfS) 1 and 2* should be applied. The appellant's Technical Note calculates stopping sight distances as 51.2m to the north-east and 54.3m to the south-west and rounds these up to 52m and 55m respectively.
9. The highway authority states that the actual visibility that is available from a setback of 2.4m is 15.1m to the south-west and 7.5m to the north-east. This falls substantially short of the required standards; whichever standard is used.
10. MfS 2 indicates that a setback distance of 2m may be used in slow speed situations when flows on the minor arm are low. Traffic speeds along Holt Road are not slow, however and for this reason it is unlikely that a 2m setback distance would be sufficient. Notwithstanding this, the Technical Note shows that while it is possible to achieve 2m x 55m towards the south-west, it is only possible to achieve 2m x 23m towards the north-east, measured to the channel line.
11. Greater visibility can be obtained by measuring to the trafficked carriageway, but this does not allow for the possibility that vehicles may cross the centre line, for example to overtake or to avoid any obstruction. The measurement of visibility in this way would clearly not accord with guidance in either DMRB or MfS. For these reasons it is clear that the junction has sub-standard visibility.
12. This means that drivers emerging from Meadow Way will have to move partially into the carriageway in order to see along the road. There are no junction road markings and the junction is obscured from view along Holt Road by the hedges and fences. Because of the lack of visibility of the junction, any

² APP/Y2620/A/00/1050842, APP/Y2620/A/10/2125494 and APP/Y2620/A/11/2151214

emerging vehicle would be likely to cause oncoming drivers or cyclists to brake or to manoeuvre around the emerging vehicle. This is likely to prejudice the safe operation of the highway.

13. There is no record of any personal injury accident at the junction in the last 5 years but there has been a personal injury accident in the vicinity at the junction of Uplands Park with Holt Road within that period. The data does not cover collisions that have not caused personal injury and may therefore not be fully representative. The lack of personal injury accidents at the junction does not mean that it is safe, and the accident that occurred further along the road is indication of the potential for conflict between vehicles emerging from side roads and those on the main road.
14. The appellant states that the site is the last available plot for development on Meadow Way. While there will be variations in daily traffic flows on Meadow Way and Holt Road and the additional trips generated by the proposed dwelling would be limited, this does not alter the position that the proposal would add traffic to a substandard junction. There has been no change in circumstances since the previous appeal decisions that would justify a different conclusion on highway safety.
15. The appellant refers to a potential fall-back position of siting a mobile home in the garden of the host property as an ancillary structure. Any ancillary structure such as this would not constitute a separate dwelling and the traffic generated would be likely to be lower than that for a dwelling. Other decisions have been referred to, but developments must be considered on the basis of their individual site-specific circumstances. For these reasons, neither the claimed potential fall-back position nor the other decisions referred to alter my conclusion on this main issue.
16. Policy CT5 of the Core Strategy and Development Control Policies³ (CS) requires provision of safe and convenient access. The National Planning Policy Framework (the Framework) states that "it should be ensured that safe and suitable access to the site can be achieved for all users". It goes on to state that "Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
17. For the reasons given, safe and suitable access would not be provided and there would be an unacceptable impact on highway safety. The proposal would not accord with Policy CT5 or with the Framework.

Protected Trees

18. There are four trees within the site that are protected by a Tree Preservation Order (TPO)⁴. The Tree Survey⁵ submitted with the appeal identifies three of the trees (T1, T2 and T3) as being of moderate quality and one (T4) as of low quality. The survey plan maps the root protection areas (RPAs) of those trees.
19. No details of the size or siting of the proposed dwelling are provided, although the indicative layout shows a 3 or 4 bedroom two-storey house sited next to the existing house. The appellant states that it is intended to remove a single

³ North Norfolk Core Strategy incorporating Development Control Policies (2008)

⁴ TPO refs. T1, T2, T3 and T4

⁵ Arbtech Tree Survey 30 October 2020

storey side extension to the existing house. The RPA of the Beech tree next to the house extends close to it. Having regard to the proximity of the RPA to the existing house and the RPAs of the Oaks to the front and rear, wherever the proposed dwelling is sited it would most likely be within the RPA of a protected tree.

20. While it may be possible to design a development that avoids unacceptable damage to the tree roots, this has not been demonstrated. No arboricultural method statement or tree protection plan has been provided. In the absence of this information, I have doubt as to whether a dwelling could be accommodated without unacceptably harming the roots of the protected Beech tree or one of the other protected trees.
21. Furthermore, even if this could be achieved, the close proximity of the tree canopies to the dwelling would be likely to result in overshadowing of the dwelling and its garden. This, together with concern about falling branches and leaf litter would be likely to lead to pressure to cut back or fell the trees.
22. Policy EN2 of the CS requires proposals to protect, conserve and where possible enhance distinctive landscape features such as trees. Policy EN4 of the CS requires development to reinforce local distinctiveness, respecting the character and landscape of the area. For the above reasons the proposal would not accord with those policies.
23. For these reasons I conclude on the second main issue that the proposal would have potential to harm the protected trees.

Living Conditions

24. For the reasons given above, it seems likely that the proposed dwelling would need to be sited close to the side elevation of the existing dwelling in order to minimise disruption to the roots and canopies of the protected trees. I noted on my visit that there are a number of windows in the side of the existing house, notwithstanding that it is intended to remove the existing side extension.
25. It is not possible to assess the effect of the proposal on sunlight and daylight to those windows in the absence of details of the proposal. While I appreciate the Council's concern regarding the likely proximity of the proposal to those windows and the potential for adverse effects on the living conditions of the occupants of the existing dwelling, this has not been demonstrated.
26. For these reasons the proposal would not conflict with Policy EN4 of the CS which requires that there is no significantly detrimental effect on residential amenity.

Other Matters

27. I have taken into account all other matters referred to in support of the proposal, including its accessible location within the urban area and its contribution to housing supply. Those matters do not alter my conclusions on the main issues.
28. While I find no harm in respect of the third main issue, this does not alter my overall conclusion. The proposal would not accord with the development plan as a whole.

Conclusion

29. For the reasons given, I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR