



Appeal Decision

Site visit made on 8 November 2023

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2023

Appeal Ref: APP/Y2620/W/22/3311905

26 Providence Place, Briston NR24 2HZ

- 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 Simon Mavilio against the decision of North Norfolk District Council.
 - The application Ref PO/21/2294, dated 21 August 2021, was refused by notice dated 26 May 2022.
 - The development proposed is erection of 3 bedroom dwelling adjacent to existing property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was made in outline with all matters reserved for future consideration. The submitted site plan, floor plans and elevation drawings show details of the proposed access, appearance, landscaping, layout and scale of the development. However, given the nature of the application and as these plans are described as indicative, I have treated them as such in my assessment of this appeal.
3. There are discrepancies in the spelling of the appellant's surname and site address between the appeal form and other appeal documents. However, signage near the appeal site displays the street name "Providence Place" and the appellant's agent has confirmed the appellant's name. The correct spellings are therefore reflected in the banner heading above.

Main Issue

4. The main issue is the effect of the proposal on highway and pedestrian safety.

Reasons

5. The appeal site is located along Providence Place, an unadopted route leading to the adopted highway on Edgefield Road. Providence Place is narrow with an uneven gravel surface. Though it widens towards the intersection with Edgefield Road, it meets the adopted highway at an angle, close to a bend and opposite another junction.
6. On one side, there is a two-storey dwelling that extends beyond the junction and considerably restricts visibility eastward for vehicles exiting Providence Place onto Edgefield Road. On the other side, a single storey building abuts Providence Place, albeit is somewhat set back from Edgefield Road.

7. Though only a snapshot in time, I saw several vehicles parked close to the junction at the time of my site visit, including cars parked in front of the terrace opposite. The evidence before me indicates that this is a common occurrence. Vehicles approaching from the east therefore often must pass the junction in the middle or right-hand side of the road. Several cars and vans parked to the west also limited visibility at the junction for exiting vehicles.
8. I saw there is a speed limit and staggered junction warning sign on approach from the east. However, visibility for westbound traffic is considerably restricted by the curvature of the road, the alignment of the junction and the proximity of the adjacent dwelling to the carriageway.
9. The edge of the junction is not clearly defined by road markings and combined with the limited visibility, exiting vehicles will inevitably protrude into the carriageway. There is also no formal footpath or crossings in this location, thereby requiring pedestrians to walk in the carriageway.
10. There was limited traffic at the time of my site visit, and I observed that the junction sits within a 30mph zone. However, it is likely to be busier at peak periods, and there is otherwise no substantiated evidence before me regarding average vehicle speeds or traffic at various times of day.
11. I recognise the amount of additional traffic would be somewhat limited due to the scale of the development. However, based on my observations, the current conditions of the junction already present an appreciable safety risk for all road users. The appeal scheme would intensify the use of this junction, and inevitably would result in increased conflict between vehicles, cyclists and pedestrians. Notably, the Local Highway Authority (LHA) recommended refusal of the application for similar reasons and the evidence indicates that it has been consistent in its opposition to intensification of the use of this junction.
12. While there may be limited evidence of accidents at the junction in the past, this does not demonstrate that there would not be any highway or pedestrian safety issues arising from the proposal in future, particularly given the intensification of its use.
13. Though highway and pedestrian safety concerns may not have been recorded in earlier applications, this does not fetter the ability to identify such issues in future applications, particularly as traffic patterns and relevant national and local policies and guidance change over time.
14. My attention has been drawn to previous appeal decisions concerning new dwellings along Providence Place and The Driftway. In particular, a single dwelling was granted planning permission on appeal in 2016¹. In that case, the Inspector found that an increase of one additional dwelling would result in a minor increase in use of the junction and would have an acceptable effect on highway safety, contrary to the recommendations of the LHA.
15. Though that permission has lapsed, the evidence indicates that an additional dwelling has been constructed on The Driftway since that decision, pursuant to a reserved matters approval granted in 2016². Additionally, the National Planning Policy Framework has been amended since, including the insertion of

¹ Appeal Ref: APP/Y2620/W/16/3153002

² Council Ref: PM/16/0564

Paragraph 111. The circumstances in which that decision was made were therefore not the same.

16. Moreover, the Inspector in a later appeal in 2017³ shared concerns regarding the safety of the existing junction, and additional risks associated with the intensification of its use both through that appeal proposal in isolation and in combination with other development.
17. Ultimately, I have formed my own view on this matter, based on my observations during my site visit, the current planning circumstances, and the evidence before me now. The earlier decisions referred to therefore do not lead me to a different conclusion.
18. The Council's second reason for refusal concerns visibility at the site access, and reflects similar comments made in the LHA's representations on the application. Providence Place is a cul-de-sac with an uneven gravel surface and numerous potholes, with the appeal site located towards the end. Vehicle speeds and traffic in proximity to the appeal site will therefore be low. While access would be a reserved matter, I saw that the appeal site is predominantly open, with few obstructions that might affect visibility at the site access onto Providence Place. I therefore have no highway or pedestrian safety concerns with respect to this matter.
19. While I have not identified harm in respect of the adequacy of visibility at the site access, I conclude that the proposal would have an unacceptably harmful effect on highway and pedestrian safety overall, with particular regard to increased use of the junction of Providence Place and Edgefield Road.
20. The proposal would therefore be contrary to Policy CT5 of the North Norfolk Local Development Framework Core Strategy Incorporating Development Control Policies September 2008 (the Core Strategy). This policy, among other provisions, seeks to ensure that development provides safe and convenient access on foot, cycle, public and private transport, is capable of being served by safe access to the highway network and the expected traffic generated by the proposal could be accommodated on the existing road network without detriment to highway safety.
21. The proposal would also conflict with Paragraph 111 of the Framework which indicates that development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

22. Notwithstanding the provisions of Policies SS4 and EN9 of the Core Strategy, The Conservation of Habitats and Species Regulations 2017 (as amended) require that, where a project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), the competent authority must make an appropriate assessment of the project's implications in view of the relevant site's conservation objectives.
23. The appeal site falls within the Zone of Influence for several European sites scoped into the Norfolk Green Infrastructure and Recreational Avoidance and Mitigation Strategy (GIRAMS). The alleged effects relate to increased recreational pressure as a result of the increased population associated with

³ Appeal Ref: APP/Y2620/W/17/3191013

the proposed development. The Council contend that payment of the Recreational Avoidance Mitigation tariff of £210.84 is required to mitigate any adverse effect on the integrity of these sites. However, there is no mechanism before me, such as an executed legal agreement, to secure this payment.

24. Additionally, guidance was issued by Natural England (NE) on 16 March 2022 requiring competent authorities to carefully consider the nutrients impacts of any new plans and projects (including new homes) that may give rise to additional nutrients within the catchments of affected habitats sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality.
25. North Norfolk District Council has been identified as an affected Local Planning Authority by NE and the evidence indicates that the appeal site is within the catchment area of the Broads Special Area of Conservation (SAC) and Ramsar sites. No information has been provided on the anticipated nutrient levels that would arise from the development, or any mitigation or offsetting measures.
26. Nevertheless, while the effect of the proposal on the integrity of protected sites featured in the Council's third and fourth reasons for refusal, it is not necessary for me to consider these matters further as I am dismissing the appeal on other grounds.
27. The Planning Practice Guidance and the Framework encourage local planning authorities to take a positive approach and work proactively with applicants. Any undue delay in determination of a planning application is regrettable, and I recognise the appellant's frustrations regarding the time taken to determine the application and the level of engagement offered by the Council. It is also unfortunate that additional matters arose late in the application process. However, the Council must comply with its statutory duties and have regard to all relevant material planning considerations at the time the decision is made. Ultimately, this does not lead me to a different conclusion on the main issue.
28. The proposal would add to the housing supply within an existing settlement. It would provide a temporary boost in employment during construction, and additional residents may contribute to the local economy and vitality of the community. However, these benefits would be modest, given the small scale and context of the development.

Conclusion

29. The proposal would be contrary to the development plan, taken as a whole. The modest benefits would not outweigh the identified harm and development plan conflict. There are therefore no material planning considerations that indicate the proposal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR