
Appeal Decision

Site visit made on 4 March 2024

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2024

Appeal Ref: APP/F2605/W/23/3325763

55 Eastgate Street, North Elmham, Norfolk NR20 5HE

- 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 William Seaman (Yaxham) Ltd against the decision of Breckland District Council.
 - The application Ref 3PL/2023/0282/O, dated 13 March 2023, was refused by notice dated 18 May 2023.
 - The development proposed is a dwelling and redevelopment of existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on highway safety; and
 - the effect of the proposal on the integrity of protected habitats.

Reasons

Highway safety

3. The proposal is for the redevelopment of an existing dwelling on the northern side of Eastgate Street in North Elmham and the erection of a further dwelling on a backland site behind. The site is served by a driveway next to the existing property which would also provide access to the second dwelling in a tandem arrangement.
4. Eastgate Street is a minor road within the village, gently curving, about 5 m wide with no footways. The road is subject to a 30 mph speed limit, but based on the appellant's traffic survey 85th percentile speeds are 23 mph eastbound and 26 mph westbound. As such visibility splays to full standard would be 30 x 2.4 m to the west and 35 x 2.4 m to the east. However, whilst the gate serving the driveway is set back 2.5 m from the carriageway edge on either side the highway verge is only between 0.7 m and 1 m wide.
5. Immediately to the west of the driveway in front of the garage to No 53 is a tall hedge hard up to the carriageway which seriously impedes visibility. With this in place the local highway authority (LHA) estimate that visibility is restricted to just 3 x 2.4 m, effectively a blind entrance. According to the LHA the hedge is planted on private land, whilst the appellant claims it is on highway land, or at

least extends over highway land, and should be cut back. Certainly it appears to be growing over the 0.7 – 1.0 m wide highway verge, but even if cut back to that extent the full standard visibility splays would not be achieved on land within the appellant's control. Without improvement vehicles approaching from the west would have virtually no warning of emerging vehicles and vehicles leaving the site would have to nudge out slowly in the hope that other road users would give way.

6. To the east visibility is better with a grass verge perhaps 2–3 m deep across the frontage of No 55 where a low wicket fence enclosing the front garden of No 55a extends out to within about 1 m of the carriageway. The appellant's view is that the corner of this intrudes into highway land, and from the submitted plan it would appear this may be the case. The LHA estimates that visibility in this direction is 15 x 2.4 m.
7. The frontage housing along Eastgate Street takes a variety of forms, some built hard up to the road whilst others are set back, and there are numerous access points and driveways, many of which are substandard. In this attractive and informal village environment, designated a conservation area, with pedestrians frequently in the road, drivers will generally take extra care and full standards can reasonably be relaxed. No personal injury accidents have been recorded in the vicinity in the last five years which demonstrates the point. The current access will continue to be used to serve the existing single dwelling on the site. However, in the absence of agreement or a solution to improve visibility to the west its use to serve a second dwelling resulting in further vehicle movements would be unduly detrimental to highway safety.
8. For these reasons the proposal would significantly increase highway safety risks contrary to Policies COM01 and TR02 of the Breckland Local Plan 2023 (BLP). These seek to ensure development does not compromise highway safety by providing safe access for vehicles and for walking and cycling, and safe, suitable and convenient access for all users.

Protected habitats

9. The appeal site lies within the catchment area of the River Wensum and/or the Broads Special Areas of Conservation where new overnight accommodation is likely to impact water nutrient levels, also within reach of protected habitats including the Brecks, North Norfolk Coast and the Broads where recreational pressure from additional visitors is likely to harm nature conservation interests. However, no measures in the form of financial contributions to fund off-site mitigation or other measures are put forward to address these concerns. As adverse impacts on the integrity of these protected habitats cannot be ruled out there would be conflict with the requirements of the Conservation of Habitats and Species Regulations 2017 and BLP Policy ENV02 which seeks to avoid any such impacts.

Other matter

10. The appellant claims that the Council cannot demonstrate a five year supply of housing land 'due to the effect of nutrient neutrality' whilst the Council claims a 6.6 year supply. In the absence of further details from the appellant I have no reason to disagree with the Council's position.

Conclusion

11. The proposal would provide an additional dwelling which would make a useful contribution to local housing needs and have economic and social benefits for the village. However, these benefits are outweighed by the increased danger to highway safety that would result and the likely impact on protected habitats. The appeal should therefore be dismissed.

David Reed

INSPECTOR