



Appeal Decision

Site visit made on 29 May 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June

Appeal Ref: APP/K2610/W/23/3325353

34 High Street, Marsham, Norwich NR10 5AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr William Nickalls & Miss Alexandra Weyer against the decision of Broadland District Council.
 - The application Ref is 20220905.
 - The development proposed is a detached chalet bungalow with 2 parking spaces.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Confirmation of the correct spelling of the appellants names has been provided during the appeal process, which I have used in the heading above.

Main Issues

3. The main issues are the effect of the proposal on:
 - highway and pedestrian safety with particular regard to the adequacy of access visibility; and
 - the living conditions of the occupiers of 34 High Street with particular regard to traffic generation, noise and disturbance.

Reasons

Highway safety

4. The appeal site lies within the village of Marsham, to the rear of 34 High Street (No 34) which is within a row of dwellings. The proposed dwelling would be accessed from High Street along a driveway passing the side of No 34.
5. The Highway Authority (HA) have indicated that based on a 30 miles per hour (mph) speed limit on High Street, visibility splays of 2.4 metres (m) by 43m are required at the access junction in both directions to meet the requirements of Manual for Streets (MfS). Whilst the appellant has referred to the speed limit being reduced to 20mph between 8am and 4pm, the visibility splay requirements specified by the HA are not disputed. There is nothing before me that would lead me to disagree with the HA in this regard.
6. A plan has been provided indicating that only visibility splays measuring 2.4m by 23m in both directions can be attained from a position approximately

midway between the side boundaries of No 34. Consequently, visibility at the junction would be well below the MfS requirements and significantly impeded.

7. I acknowledge that the number of vehicular movements from one additional dwelling would be limited, particularly if occupied in connection with No 34, and that the residual cumulative impact of the proposal on the road network would not be severe. Nonetheless, the impediment to visibility for vehicles exiting the site is likely to result in conflict with other users of High Street, including pedestrians, which would adversely and unacceptably impact highway safety.
8. The appellant has suggested that the proposal would increase manoeuvring space which would enable vehicles to enter and leave No 34 in a forward gear. However, in the absence of evidence that demonstrates that the existing parking arrangements are adversely affecting highway safety, I do not accept that this amounts to highway betterment which would outweigh the harm caused by the proposal that I have found.
9. My attention has been drawn to an appeal decision relating to a site at East Harling which allowed a dwelling with restricted access visibility. However, it is apparent that the East Harling case differs from the one before me as the site was outside of a settlement in a location with a limited number of other properties. Therefore, it is not possible to draw comparisons to this appeal to the extent where the weight to be given to that decision is sufficient to alter my findings.
10. Consequently, I conclude that the development would have an unacceptable effect on highway and pedestrian safety due to inadequate access visibility. As such it would conflict with Policy TS3 of the Development Management DPD (DPD), which states that development will not be permitted where it would adversely affect highway safety.

Living conditions

11. The driveway would slope upwards from the lower level of the road to the proposed dwelling and pass directly along the side elevation of No 34 and the entire length of its rear garden.
12. A small number of low-speed vehicle movements would be generated by the proposal and the associated noise could be reduced by lowering the gradient of the driveway thereby avoiding the need for engines to strain to climb the slope. As such, the existing tranquillity and peaceful nature of the garden of No 34 would not be unacceptably affected by the proposed development. In addition, as there are no side facing windows, and it is proposed to block off the side door, any noise generated by such traffic movements heard from within No 34 would be limited.
13. I therefore conclude that the proposed development will not have a harmful effect on the living conditions of the occupiers of 34 High Street due to traffic generation, noise and disturbance. It would therefore accord with DPD Policy GC4 which requires development to achieve a high standard of design and not adversely affect the amenity of existing properties.

Other Matters

14. Based on the evidence before me, the appeal site lies within the nutrient neutrality catchment area for the Broads Special Area of Conservation (SAC)

and the River Wensum SAC. In addition, it is within the Zone of Influence of multiple European designated sites which are vulnerable to recreational disturbance. However, because the scheme is unacceptable for other reasons there is no need for me to consider the implications of the proposal upon such designated sites as would otherwise be required by the Conservation of Species and Habitats Regulations 2017.

15. The Council is not able to demonstrate a five-year housing land supply. Nonetheless, paragraph 188 of the National Planning Policy Framework states that the presumption in favour of sustainable development, set out at paragraph 11, does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. In this case, for the reasons set out above, an appropriate assessment has not been undertaken.
16. The provision of a self-build dwelling would make a very modest contribution towards meeting housing needs in an accessible location. Benefits to the local economy would also be modest given the scale of the scheme. When taken together, such benefits of the proposal would not outweigh the harm that I have identified. Moreover, even if the presumption in favour of sustainable development did apply, the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.

Conclusion

17. Whilst I have found that the proposal would not harm the living conditions of neighbouring occupiers, this does not outweigh the identified harm to highway safety. The proposed development, therefore, conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harms and associated development plan conflict.
18. Accordingly, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR