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## Appeal Decision

Site visit made on 23 December 2013

by **Nick Palmer BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 January 2014

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**Appeal Ref: APP/V2635/A/13/2203725**

**19 Nursery Lane, Hockwold-cum-Wilton IP26 4ND**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr John Want against the decision of King's Lynn and West Norfolk Borough Council.
  - The application Ref 13/00409/F, dated 12 March 2013, was refused by notice dated 3 July 2013.
  - The development proposed is a new detached dwelling with cart shed style garage including replacement front wall.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The proposal would be located in the Hockwold-cum-Wilton Conservation Area. The Council's officer report advises that the type of dwelling proposed would not appear out of context in the street scene and Conservation Area and that the conversion of the outbuilding to a garage would result in a minimal and neutral impact on the character and appearance of the Conservation Area. There is no information from any party to suggest that I should take a different view. Nevertheless, I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and did so during my site visit. This gave me no reason to disagree with the consensus view.

### Main Issue

3. The main issue is the effect of the proposal on highway safety.

### Reasons

4. Nursery Lane is a relatively narrow highway of approximately 3.8 metres width at the appeal site. There are no footways but there are narrow grass verges on both sides of the road. Visibility for vehicles emerging from the proposed access drive would be limited in both directions by the front wall of the house at No 19 and by the front boundary wall and outbuilding/garage. A telegraph pole which is directly adjacent to the outbuilding further restricts visibility.
5. The Department for Transport's Manual for Streets (MfS) provides guidance in table 7.1 on stopping sight distances according to 85<sup>th</sup> percentile speeds.

These are adjusted to allow for the bonnet length of vehicles emerging from side roads and the adjusted distances are known as 'y' distances.

6. Vehicle speeds along Nursery Lane are restricted to 30 mph but no survey information is available for actual vehicle speeds on this road. The Highway Authority has estimated the 85<sup>th</sup> percentile speeds by driving along the road, at 23 mph southbound and 28 mph northbound. The 'y' distances for these speeds from table 7.1 in MfS are 39m to the south and 30m to the north of the proposed access. These should be combined with a set back or 'x' distance of 2.4m.
7. To the south of the access, visibility would be restricted by the adjacent house to 8.5m or 22% of the recommended 'y' distance. To the north, the front boundary wall and outbuilding as proposed to be altered would restrict visibility to 8m or 27% of the standard. If the front wall were to be lowered to less than 1m in height, the outbuilding and telegraph pole would still restrict visibility to 9m or 30% of the standard. The available distances are therefore significantly below the recommended standards.
8. The appellant has suggested that 20 mph would be a more appropriate assumed speed. If this were the 85<sup>th</sup> percentile speed, then from MfS table 7.1 'y' distances of 25m would be required and this would still not be achievable.
9. The 'y' distances have been measured to the nearside of the carriageway edge as advised by MfS. I acknowledge that vehicles are likely to travel along the centre of the road due to its relatively restricted width, but even if the 'y' distances were measured further into the carriageway it is evident that the distances available would be insufficient to provide satisfactory levels of visibility. In any event the full width of the highway will be used when vehicles pass each other.
10. Nursery Lane primarily serves dwellings but connects to Eastfen Drove which serves a fishing facility and to a byway which connects with Church Lane. The fishing facility is likely to attract through traffic in addition to the local traffic to and from the dwellings along Nursery Lane. There would also be visitors to the dwellings along the road. Therefore not all users of the road would be familiar with its characteristics. Although traffic on the road may be relatively light, this does not justify setting aside the accepted highway safety standards.
11. Forward visibility along Nursery Lane is generally good but inter-visibility between drivers using the road and the proposed access drive would be inadequate and this would pose an unacceptable hazard to road users.
12. The appellant refers to the extensions to No 19 which were permitted under a previous planning permission. Whether or not there were any highway objections to that development a new dwelling is likely to generate more vehicle movements than an extension to an existing dwelling.
13. For the reasons given above the proposal would be prejudicial to highway safety and would not accord with Policy CS11 of the King's Lynn and West Norfolk Borough Council Core Strategy which requires that development proposals provide for safe and convenient access.

**Conclusions**

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

*Nick Palmer*

INSPECTOR