



Appeal Decision

Site visit made on 25 March 2021

by **E Brownless BA (Hons) Solicitor (non-practising)**

an Inspector appointed by the Secretary of State

Decision date: **Tuesday, 18 May 2021**

Appeal Ref: APP/V2635/W/20/3256924

Friars Bungalow, 32 West Winch Road, West Winch PE33 0ND

- 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 J Wood against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref: 19/02177/O, dated 17 December 2019, was refused by notice dated 21 February 2020.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters save for access and layout reserved for future determination. In addition to access and layout, the submitted plans indicate the scale and appearance of the proposed dwelling. On this basis, I consider the plans as indicative only insofar as they do not relate to matters of layout and access.
3. The results of the 2020 Housing Delivery Test (HDT) were published on the 19 January 2021. The results show that King's Lynn and West Norfolk Council delivered 94% of its housing requirement over the preceding 3 years. The main parties have been afforded the opportunity to comment on the implications of these results for this appeal and I have had regard to their comments.

Main Issue

4. The effect of the proposal on the free flow of traffic and highway safety.

Reasons

5. The appeal site is a parcel of land that lies to the rear of an existing dwelling, Friars Bungalow. Friars Bungalow has an existing driveway which joins the A10, West Winch Road at a right angle. This access presently serves Friars bungalow and a further dwelling. The appeal scheme would introduce an additional dwelling which would share the use of the existing driveway and its access onto the A10.
6. The A10 is designated as a strategic route as part of the Strategic Road Network for the Borough within Policy DM12 of the King's Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (2016)(SADMPP). It has strategic importance for the carriage of high volumes of long-distance traffic. It is a single carriageway route that is street-

lit and subject to a 40mph speed limit at the point of the access. Evidence forming part of the appellant's Transport Statement indicates there have been several collisions in proximity to the access that have resulted in personal injury.

7. I note that the access is already in use and vehicles have to cross the flow of traffic to enter and egress the site depending upon their direction of travel. The proposed development would have the potential to generate six additional two-way vehicular trips over the course of a day. To my mind, the intensification of the use of the access would result in an unacceptable number of additional vehicle manoeuvres, including slowing, stopping, turning and waiting within a live carriageway which would be detrimental to the free flow of traffic and highway safety on a strategically important highway where the free flow of traffic is a critical factor in its efficient operation. The submitted accident data establishes that a number of incidents were as a result of a vehicle manoeuvring into or out of a driveway and waiting within the carriageway.
8. I note that the appellant has altered the slope and width of the access, installed a new surface at the point where the access meets the highway and removed vegetation to ensure visibility splays would be achieved that would accord with the minimum standards set out within the Design Manual for Roads and Bridges. However, I am not satisfied that the improvements to the access go far enough to overcome the concerns regarding the additional vehicular movements that are detrimental to the free flow of traffic. Moreover, reference to the traffic being slowed due to the nearby traffic lights or 'punctuated' due to vehicular traffic entering the petrol station forecourt reinforces that the A10 carries a considerable volume of traffic as a principal route and there is already a significant amount of vehicular traffic which crosses the flow of traffic within the vicinity of the appeal site.
9. Reference has been made to the nearby petrol station, other driveways serving more than one dwelling and other approved developments in the vicinity. However, their presence, and an absence of incidents by the appellant accessing the A10 to date, do not justify the increased use of the appeal access which I have found would conflict with the free flow of traffic, highway safety and efficient operation of a principal route in this location.
10. Accordingly, I conclude that the proposed development would have a significant adverse effect on the free flow of traffic and highway safety. The proposal would therefore conflict with Policy CS11 of the King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy (2011) and Policies E2.2 and DM12 of the SADMPP. Among other things, these policies seek to provide safe and convenient access for all transport modes and protect the status and function of the borough's strategic road network. Similarly, the proposal would conflict with the highway safety aims of the National Planning Policy Framework (the Framework).

Other Matters

11. The 2020 Housing Delivery Test for King's Lynn and West Norfolk Council indicates that it achieved 94% of housing delivery measured against its housing target over the last 3 years. This is considerably more than the 75% benchmark used to define substantial under delivery in the Framework.

12. As the Council's five-year supply of deliverable housing sites is not in dispute and as the latest Housing Delivery Test result is greater than 75%, neither of these considerations results in policies which are the most important for determining the application being considered out-of-date in the context of paragraph 11 of the Framework.
13. The appeal site lies within the settlement boundary of West Winch and in proximity to a major employment area. It is accessible to Hardwick Retail Park, a petrol station, a public house and public transport links. Notwithstanding the proximity of these services, facilities and employment opportunities and the potential for future occupants to access these by sustainable transport modes, based upon the evidence presented to me, there would be additional traffic movements generated as a consequence of the appeal scheme.
14. Matters concerning the impact of the proposal on the living conditions of neighbouring occupiers are matters to be considered as part of a reserved matters application. In this instance the absence of harm is a neutral matter that weighs neither for nor against a proposal.
15. The appeal scheme would make efficient use of an under-utilised garden. An additional dwelling would make a modest contribution towards housing supply.
16. My attention has been drawn to the use of the existing access for the purpose of accessing a 'Builder's Yard' with vans, trailers and two trailered excavators. It is suggested that the existing use of the access has been ignored. However, no similar argument has been referred to within the appellant's transport statement, nor is there any detail concerning the number and types of trips that are undertaken. Moreover, it is not referenced by the Council nor the Highway Authority. In the absence of any substantive evidence I am unable to reach the view that there would be 'little change' to the use of the access. Moreover, there is a contradictory suggestion as to whether the Builder's Yard would continue to operate if planning permission were to be granted for the appeal scheme. In the event that access to a Builder's Yard was also required along the existing access, this would add further weight against the proposed scheme in terms of its impact on the free flow of traffic and highway safety.

Conclusion

17. The proposal fails to accord with the provisions of the development plan and national policy. There have been no material considerations put forward that would justify a decision other than in accordance with the development plan.
18. For the reasons given above, the appeal is dismissed.

E Brownless

INSPECTOR