



Appeal Decision

Site visit made on 12 December 2018

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 29 January 2019

Appeal Ref: APP/P1560/W/18/3202196

Land adjacent to and north of Folly Farm, 77 Frinton Road, Thorpe Le Soken, Clacton-on-Sea CO16 0HS

- 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 and Mrs Mowle against the decision of Tendring District Council.
 - The application Ref 17/01570/OUT, dated 8 September 2017, was refused by notice dated 10 November 2017.
 - The development proposed is four detached single storey dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for outline permission with all matters reserved. A layout plan, Drawing 106 01B, has been submitted with the application. For the purpose of this appeal I have taken the landscaping, and layout shown within the site as illustrative only.
3. I have taken the description of the development as set out in the banner from the decision letter as that on the application form did not accurately describe the proposal.

Main Issue

4. The main issue is the impact of the development upon highway safety with particular reference to vehicle movements at the junction of White Lodge Crescent and Frinton Road.

Reasons

5. White Lodge Crescent is a narrow private road giving access to Folly Farm and ten bungalows. The stretch of White Lodge Crescent leading to its junction with Frinton Road, the B1033, is bounded by conifer hedges and has no footway. Frinton Road is a single carriageway county road and, on the appeal site frontage, is subject to a 40 MPH mandatory speed limit. It has a narrow footway on the northern side only and a verge on the southern side.
6. In the vicinity of White Lodge Crescent Frinton Road is fronted by sporadic development as the built up area of Thorpe-Le-Soken peters out into the surrounding countryside. At the entrance to the White Lodge Crescent Frinton Road describes a bend with hedges fronting on either side. The access to White

Lodge Crescent lies on the inside of the bend and opposite the junction is a pair of parabolic mirrors, to provide an increase in visibility to drivers egressing the private road.

7. The junction of White Lodge Crescent with Frinton Road is in the form of a vehicular crossing of the footway, without radius kerbing. The proposed access, as shown in the drawings accompanying the application, shows the road widened for a short distance into the site and a new footway on the eastern side of White Lodge Crescent and shows an entrance with radii with a sharp radius on the eastern side of the junction. This plan shows a 2.4 metre by 120 metre visibility splay to the west and a 2.4 metre by 37 metre splay to the east.
8. Whilst the 120 metre visibility to the west would satisfy the requirements of the current design standards based upon the 40 MPH speed limit, the 37 metre distance to the east would be significantly less than the design standard identified. The appellant has postulated that the visibility splay could be increased by measuring to the centre of oncoming vehicles. However this would not provide inter-visibility between drivers of approaching or overtaking vehicles and drivers pulling out from White lodge Crescent. Further, the introduction of a tight, kerbed radius would encourage vehicles to over-swing the opposing carriageway when leaving the access when turning left, placing those vehicles into the path of oncoming traffic.
9. Information has been submitted that a highway improvement was planned in the vicinity and land acquired for that improvement. However no plans or documentary evidence has been submitted to clearly identify that land, or the extent of the adopted public highway at this location. Furthermore, the occupant of Davara, in his objection to the proposal, states that he controls the land required to form the visibility splay to the east, and would, at this time, oppose the loss of the hedge. I therefore attached limited weight to this matter.
10. The appellant has further submitted that delivery of a full 120 metre visibility splay is possible, using the land acquired by the Highway Authority. However, the only plan that has been submitted showing a proposed access arrangement shows the visibility splays discussed above. The Local Highway Authority objected to the development as shown on this plan and no subsequent representation from the Highway Authority withdrawing their objection has been submitted. Therefore I do not consider that I have sufficient information before me to make a firm conclusion on whether the visibility splay could be provided.
11. The traffic associated with an additional four dwellings would intensify the use of the access. Whilst no accident history has been identified at or in the vicinity of this junction, the provision of parabolic mirrors at the access, supported by representations from local residents, is an indication of the concern of existing residents regarding safety when exiting the road. Parabolic mirrors are a measure seeking to improve upon an existing poor situation. They cannot be relied upon to justify an increase in movements as they can lead to driver confusion, particularly during the hours of darkness.
12. Whilst the increase in visibility to the west, widening of the access and the provision of a footway is an improvement to the existing situation at the junction of White Lodge Crescent with Frinton Road the shortfall in provision of

visibility to the east is such that a significant residual risk to highway users would remain, which, given the increased use of the junction as a result of the development, I find to be unacceptable. The provision of a turning head at the end of one arm of White Lodge Crescent would have negligible impact upon improving safety at the access, as alternative locations already exist within the side road.

13. I therefore conclude that the development would result in material harm to highway safety with particular reference to vehicle movements at the site access, contrary to saved Policy QL10 of the Tendring District Local Plan (2007) and Paragraph 108 of the National Planning Policy Framework (2018) (NPPF) which, amongst other things seek to ensure provision of safe, practicable access to development.

Other Matters

14. The appellant argues that the Council is unable to demonstrate a five year supply of housing land; the Council does not accept this point. Nevertheless, even if I were to conclude that there is a shortfall in the 5 year supply of the scale suggested by the appellant and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impact of granting permission would significantly and demonstrably outweigh the benefits in terms of the addition of a four dwellings.

Conclusion

15. I appreciate that all matters, including access, are reserved. However, I have not been provided with any persuasive evidence that demonstrates that safe access to the proposed development could be provided. Therefore I conclude that the appeal should be dismissed.

I Dyer

INSPECTOR