



Appeal Decision

Site visit made on 17 December 2007

by **Malcolm Rivett BA (Hons) MSc MRTPI**

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

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Decision date:
21 January 2008

Appeal Ref: APP/H0738/A/07/2054679

3 Killinghall Grove, Hartburn, Stockton, TS18 5PT

- 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 Mrs J Earl against the decision of Stockton-on-Tees Borough Council.
- The application Ref 07/2072/FUL, dated 4 July 2007, was refused by notice dated 24 August 2007.
- The development proposed is to convert existing garage into new dining room.

Decision

1. I allow the appeal, and grant planning permission to convert existing garage into new dining room at 3 Killinghall Grove, Hartburn, Stockton, TS18 5PT in accordance with the terms of the application, Ref 07/2072/FUL, dated 4 July 2007, and drawing nos 26/6/07/01 and 05.07.07.02, subject to the following condition:
 - 1) Not later than 6 months from the date of this decision in-curtilage parking space shall be provided in accordance with a scheme previously submitted to, and agreed in writing by, the Local Planning Authority.

Main issue

2. The main issue is the effect of the development on highway safety.

Reasons

3. Whilst not a main road, Killinghall Grove is a though route to many residential streets and appears to me to be relatively heavily trafficked for a residential road. No 3 is situated close to the junction of Killinghall Grove with Sawley Grove and Rainton Grove. Although I appreciate that on-street parking occurs on Killinghall Grove, given the width of the road, the proximity of the junction and the level of traffic, I consider that it is in the interests of highway safety to minimise the amount of on-street parking. At the time of my visit to the property the development had been implemented.
 4. With the conversion of the garage to a dining room the property's only formal off-street parking space is its front drive, which is less than the 5m length normally required by the Council. Although I note that a small vehicle can be parked on the drive, it appears to me that it is not large enough for many modern cars. The appellant has demolished the property's front garden wall and is using the garden for vehicle parking, although there is not a formal
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footway crossing, or dropped kerb, to provide vehicular access to this area, which itself is without a permanent hard surface. I note that this is causing mud/dust to be transferred on to the highway and continued use of this parking area is likely to result in damage to the footway.

5. Nevertheless, it appears to me that at least one parking space, at or near the 5m standard, could be accommodated within the front garden area of the property, although this may require the widening or relocation of the footway crossing. With such provision, which I am satisfied can be secured by condition, it is my view that the development would provide satisfactory access and parking arrangements and would be unlikely to cause significant harm to highway safety. It would therefore accord with policy GP1 of the adopted Stockton-on-Tees Local Plan which requires development to provide satisfactory access and parking arrangements.
6. For the above reasons, and having regard to the views of local residents, I conclude that the appeal should be allowed. I am granting planning permission in accordance with the approved plans and therefore the condition suggested by the Council is not necessary.

Malcolm Rivett

INSPECTOR