



Appeal Decision

Site visit made on 10 March 2008

by **Bern Hellier BA (Hons) MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
25 March 2008

Appeal Ref: APP/H0738/A/07/2058026

56/58 Bassleton Lane, Thornaby, Stockton-on-Tees, TS17 0AF

- 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 Messrs M Tahir and Storr against the decision of Stockton-on-Tees Borough Council.
- The application Ref 07/1623/OUT, dated 29 May 2007, was refused by notice dated 2 August 2007.
- The development proposed is four new dwellings.

Decision

1. I dismiss the appeal.

Procedural Matter

2. The application was submitted in outline with details of the layout, scale and means of access also included for approval at this stage.

Main issues

3. The refusal notice refers to the impact of the loss of a garden pond on wildlife. However the pond is no longer there. There remain two main issues.
 - The effect on highway safety.
 - The effect on the living conditions of future occupiers of the proposed dwellings in relation to outlook.

Reasons

Highway Safety

4. The proposed access drive would be about 100 metres long. It would be a shared surface for pedestrians and vehicles. Its considerable length would discourage visitors, waste collection vehicles and delivery services from parking on the road and walking. Recent national guidance in the *Manual for Streets* (MfS) is that waste collection vehicles should have access to culs-de-sac longer than 55 metres in length. Consequently these vehicles, together with those of the new occupiers and the occupiers of No 56 Bassleton Lane could be expected to use the drive. The total number of vehicle movements would be limited but, because of the length of the drive, there would be considerable potential for conflict with pedestrians, particularly vulnerable groups.
 5. I acknowledge that the Council, subject to the provision of a passing place, does not object to these access arrangements. However, the piecemeal
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development of back gardens using long individual or shared drives can be avoided by planning access on a more comprehensive basis. Chancery Rise to the south of the appeal site is a good example with 8 plots served by a traffic calmed cul-de-sac. Provision has been made within this layout for an extension of the cul-de-sac head into the appeal site. In the absence of a convincing reason why this option has been set aside it would, in my view, be wrong to settle for an inferior and inherently dangerous alternative.

6. Traffic on Bassleton Lane passes through Thornaby Green where it is narrow and there is no footway over a considerable length. The MfS indicates that shared surface streets are likely to work well in short lengths and where traffic volumes are low. These criteria are not met in this case, although there is no record of accidents to suggest that pedestrian/vehicle conflicts have reached a critical level. Furthermore I am not persuaded that the addition of 4 dwellings to the 172 already served by the road would significantly exacerbate the situation. Nonetheless, this is an unfriendly and potentially dangerous stretch of road for pedestrians.
7. Overall I consider that the combination of the lack of footways in the vicinity of Thornaby Green and the long access drive serving the proposed dwellings would result in an unsatisfactory environment for pedestrians. It would fail to satisfy the approach to street design advocated in the MfS which puts pedestrians at the top of the user hierarchy. I conclude that, when taken together, these arrangements would amount to a significantly detrimental effect on highway safety and would conflict with Policy HO3 of the adopted Stockton-on-Tees Local Plan (LP).
8. There are other substantial rear gardens on the west side of Bassleton Lane. They are generally narrower plots than Nos 56/58 but there appears to be scope for further access drives between frontage properties which, if this appeal was allowed, would be difficult to resist and would then open up this land for further piecemeal residential development. This would add to existing dangers and reinforces my conclusion that the appeal proposal would be detrimental to highway safety.

Living conditions

9. The two dwellings proposed to the rear of the site would be some 4.5 metres from the boundary and close to trees in the woodland beyond. The trees are set back behind a public footpath running immediately to the rear of the boundary fence and overhanging into the site is limited. Nonetheless, the tree barrier would be oppressive at close quarters and I consider the dwellings should be set back on a similar building line to that of the adjacent house in Chancery Rise. This could be achieved by condition. Subject to this I do not consider there would be an adverse effect on the outlook of future occupiers and the requirements of LP Policy HO11 would be met. However, this favourable finding in respect of living conditions does not outweigh the harm the development would cause in relation to highway safety.

Other Matters

10. In making efficient use of previously developed land in a reasonably accessible location the proposal would accord with government policy as set out in *Planning Policy Statement 3 : Housing* (PPS3). However paragraph 16 of PPS3

also requires developments to be safe, accessible and user friendly for pedestrian, cycle and vehicle use.

11. I have taken account of the representations from the occupiers of 5 Chancery Rise but do not find that this property would be likely to be overlooked or overshadowed to an unacceptable degree although this could only be determined conclusively at the reserved matters stage when the treatment of elevations would be determined.
12. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be dismissed.

Bern Hellier

INSPECTOR