



Appeal Decision

Site visit made on 1 April 2008

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:
22 April 2008

Appeal Ref: APP/H0738/A/08/2060905

64 Durham Road, Stockton on Tees, Cleveland, TS19 0DG

- 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 A Brown against the decision of Stockton-on-Tees Borough Council.
- The application Ref 07/2559/COU, dated 29 August 2007, was refused by notice dated 19 October 2007.
- The development proposed is to convert existing dwelling to a ground and first floor flat with rear parking facilities.

Preliminary matter

1. The Council has described the proposal as "change of use from 1 no dwellinghouse into 2 no flats and associated car parking". I consider that this is a more accurate description than that set out above and is the basis on which I have determined the appeal.

Decision

2. I allow the appeal, and grant planning permission for change of use from 1 no dwellinghouse into 2 no flats and associated car parking at 64 Durham Road, Stockton on Tees, Cleveland, TS19 0DG in accordance with the terms of the application, Ref 07/2559/COU, dated 29 August 2007, and drawing nos 1 and 2, subject to the following condition:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.

Main issue

3. The main issue of this appeal is the effect of the proposal on highway safety and traffic flow.

Reasons

4. The proposal includes a small parking space in the rear yard of the dwellings. Whilst some cars are small enough to use this space many are not and it appears to me that, in any case, its use would obstruct access from the lower flat to the back gate and bin storage area. Consequently, I consider it likely that the parking space would not be routinely used.
 5. However, based on my visit and the submitted evidence, it appears that Primrose Street, to the rear of the appeal property, and the part of Dundas
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Street between Primrose Street and Durham Road are not currently heavily parked. Both streets are straight and relatively wide and do not appear to me to be heavily trafficked. I therefore consider that these streets, within a few metres of the appeal property, would provide ample parking space for any vehicles generated by the proposal. Moreover, such parking would be unlikely to inconvenience local residents, cause any significant safety/traffic flow problem or give rise to the need for parking restrictions/residents' parking schemes. I have also borne in mind that, given the size of the proposed dwellings and their location served by frequent bus services and within walking distance of Stockton town centre, there is a strong possibility that the occupants of one or both of the flats would not have a car.

6. I therefore conclude that the proposal would be unlikely to cause any harm to highway safety or traffic flow and thus accords with policy HO6 of the adopted Stockton on Tees Local Plan which states that conversions to flats will be permitted provided that adequate provision can be made for the parking of vehicles. I also find no conflict with policy GP1 of the Local Plan which sets out the criteria against which new development should be assessed.
7. The Council refers to its "Parking Provision for New Developments" Supplementary Planning Document (SPD) which it states requires 1.25 off-street parking spaces per flat. However, Planning Policy Guidance Note 13 – Transport (paragraphs 51 and 52) indicates that authorities should set maximum rather than minimum parking standards and that developers should not be required to provide more parking space than they themselves wish, other than in exceptional circumstances. Given my findings on the availability of on-street parking and the likelihood of car ownership by the occupants of the flats I consider that this proposal is not such an exceptional circumstance. The SPD has therefore carried little weight in my decision.
8. I appreciate that allowing this appeal would make it more difficult for the Council to resist similar proposals in the area. However, I have seen no evidence to suggest that such a number of similar proposals as would cause significant on-street parking problems would be likely to come forward.
9. For the above reasons I conclude that the appeal should be allowed. I have granted planning permission in accordance with the approved plans and therefore the first condition suggested by the Council is not necessary. I also see no reason why specific approval is necessary for any external alterations to the dwelling which would not require planning permission.

Malcolm Rivett

INSPECTOR