



Appeal Decision

Site visit made on 13 May 2008

by **D R Cullingford BA MPhil MRTPI**

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

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Decision date:
19 June 2008

Appeal Ref: APP/H0738/A/08/2063620/WF

54 Bassleton Lane, Thornaby, Stockton-on-Tees, Cleveland, TS17 0AF

- 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 by Mrs C K Laverick against the decision of the Stockton-on-Tees Borough Council.
- The application (ref: 07/2394/OUT and dated 8 August 2007) was refused by notice dated 5 October 2007.
- The development is described as an 'outline application for 2 No. dormer bungalows with integral garages and associated means of access'.

Decision

1. For the reasons given below, and in exercise of the powers transferred to me, I dismiss the appeal.

Reasons

2. The appeal property lies in an enclave of modest bungalows on long narrow plots adorned with all manner of sheds and summer houses amidst spacious surroundings. No.54 once stood on a plot almost 140m deep extending from the suburban roadside to the wooded banks of the River Tees. Two large detached houses now stand towards the rear of the plot at the end of a long driveway (about 85m in length). The proposal would entail erecting 2 additional dwellings, both indicated to be substantial dormer bungalows, on the remaining 45m between the retained rear garden at No.54 and the turning provision in front of the large detached dwellings. Access to those bungalows would be taken from the driveway serving the dwellings at the rear. Access to the driveway would be from Bassleton Lane which is, effectively, a key part of a complex of culs-de-sac serving some 172 dwellings with an entrance across the village-like Thornaby Green. A section of that entrance narrows to about 3.8m (although the width varies up to over 5m in places) between attractive trees and is devoid of footways.
3. The Council have refused permission because they consider that the scheme would increase the traffic on a substandard section of road across the 'village green', thereby exacerbating road hazards, particularly to pedestrians (including – as local residents observe – school children) and particularly during the hours of darkness. The proposal would thus be contrary to 'saved' policies GP1, HO3 and HO11 of the Local Plan. Concerns were also raised about the impact on the potential wildlife interest associated with a pond in the rear garden of No.56, but the pond has been filled in. In addition, local residents

are worried that the proposal would adversely affect residential amenities and the spacious character of this particular neighbourhood.

4. In those circumstances, and from all that I have read and seen, I find that this case turns on whether this proposal would:
- i) exacerbate traffic hazards, or
 - ii) spoil the character of this area, or
 - iii) impair the prospect that neighbouring residents might reasonably expect to enjoy.

Traffic hazards

5. It is not surprising that the exhaustive analysis of trip generation, vehicle manoeuvres, visibility and accidents (or the lack of them), demonstrates that the addition of a couple of dwellings here would have an almost imperceptible affect on traffic hazards across Thornaby Green. But that does not quite address the concern expressed by the Council. They claim that the road network is inadequate to provide for *further* development. Hence, it is the traffic implications of the potential precedent provided by this scheme that needs to be addressed rather than just the additional effects of the 2 dwellings currently proposed.
6. I consider that the Council's concerns are well founded. There are nearly a dozen properties here that stand on similarly long plots, and repetition of the appeal proposal, or the sort of scheme undertaken at Chancery Rise, or already existing behind No.54, or previously proposed (but dismissed at appeal) behind Nos.56 and 58, could, all too easily, result in the addition of several dwellings here. Such development would result in a more noticeable increase in traffic across Thornaby Green. In my view, the relevant section of roadway exhibits a combination of defects that together would be hazardous. Because the carriageway across the Green, although sometimes narrow, is relatively straight, speeds approaching the double bend into Basselton Lane are likely to be relatively high and, because the carriageway then widens, maintained around the bend. (The submitted graphs demonstrate that, under the conditions that pertain, 'typical' 85%ile speeds could be around 30mph and 20mph, respectively.) Unfortunately, the absence of footpaths across the Green means that the carriageway there is a shared one. That might not matter if the road had been designed on that basis. But it has not. On the contrary, the carriageway is confined by curb-stones and trees and, sometimes, a slight though perceptible mound. To my mind it is likely to be perceived as the exclusive domain of vehicles. Given the traffic flows identified and the time likely to be taken by a pedestrian to traverse the section of carriageway across the Green, there could well be an average of about 5 encounters between pedestrians and vehicles on the 'shared' section of carriageway during the evening peak hour¹. I think that such hazards would be exacerbated during the darker winter months. And, as the pedestrians would include children wending their way home from school, I think that a precautionary approach would be required here.

¹ This assumes that pedestrians take 150 seconds to cross the 300m length of the Green and that the 2-way flow amounts to 1 car every 28 seconds, as measured by the submitted surveys.

7. In those circumstances, I do not accept that the current absence of recent injury accidents necessarily demonstrates that the road would safely accommodate a noticeable increase in traffic. Moreover, judgement remains necessary. Clearly, the guidance in Manual for Streets encompasses less leeway than that which previously applied. The degree of deceleration presumed, for example, does not encompass the effects of ice and snow (not yet completely unknown phenomena in Thornaby) and, for the 15% of drivers travelling faster than the 85%ile speed, a longer 'safe stopping distance' would be required than the 22-40m indicated. Again, because the road across the Green has not been designed to reflect the guidance in Manual for Streets, I think that a precautionary approach should be pursued. I am also concerned that, in order to accommodate a more noticeable increase in traffic across the Green safely, alterations would be required that might affect the character of the road and so spoil the unusual village-like ambience of the place.
8. Taking all those matter into account, I consider that approval of this proposal could well serve as a precedent for further development that would exacerbate traffic hazards here.

Character of the area

9. In spite of the sheds and summer houses in the back gardens, the combination of the modest dwellings on the road frontage and the unusual depth of these plots, serves to create a spacious and sylvan ambience; the wooded banks of the River Tees are evident from the roadside. The insertion of 2 further dwellings behind No.54 would result in an almost continuous line of built development along the entire length of this plot. I consider that such an arrangement would not 'be sympathetic to the character of the locality', as 'saved' policy HO3 requires. On the contrary, the sense of spaciousness would be significantly diminished and the incongruous nature of this 'back-land' development would be accentuated. Whatever else the development at Chancery Rise may represent, it is at least served by a properly configured cul-de-sac. In contrast, the appeal scheme would result in 4 dwellings behind the road frontage being served by a private access. The repetition of such development could, all too easily, result in a series of uncoordinated separate driveways along this part of Basselton Lane each serving several dwellings on the land to the rear. Such sporadic and piece-meal development would be very damaging.
10. As PPS3 indicates, the degree to which a scheme '*creates, or enhances, a distinctive character that relates well to the surroundings*' and is '*well integrated with, and complements, the ... local area ... in terms of scale, density, layout and access*' are also important. I am afraid that, for the reasons indicated above, I consider that this proposal would fail to achieve those aims. In particular, it would consolidate an alien pattern of development and risk the proliferation of a series of separate driveways each serving several dwellings strung along this part of Basselton Lane. The fact that 2 dwellings have already been permitted in a 'back-land' position does not mean that the repetition of such development must be acceptable. I consider that this scheme would detract from the character of the area, resulting in an incongruous and intrusive form of development amidst these verdant and sylvan surroundings.

Amenities

11. The transformation of a long verdant garden into a series of substantial dwellings on relatively small plots would radically alter the prospect and privacy enjoyed by adjacent residents. A spacious arrangement of hedges and trees would be replaced by the bulk of new buildings close to property boundaries. The 2 dormer bungalows proposed here would be positioned with the main rear elevations just 9.5m from, and directly facing, the adjacent garden; and, the nearest dwelling would be likely to have main windows just 21m from the rear elevation of No.52, albeit diagonally. That would subject the relatively peaceful and private portion of the adjacent rear garden to the casual surveillance from the new dwellings, particularly from potential dormer windows, at relatively close quarters. And, although an oblique separation distance over some 21m would often be acceptable in the context of many estates, it seems to me that rather more generous separation distances would be commensurate with the unusually spacious surroundings evident here. In those circumstances, I do not agree with the planning officer that the scheme would maintain adequate privacy and amenity. On the contrary, I consider that the proposal would seriously impair both the prospect and the privacy that neighbouring residents might reasonably expect to enjoy in a spacious suburban area such as this.

Conclusion

12. I have considered all the other matters raised. I find that this proposal could well encourage further development, the cumulative effect of which would be likely to exacerbate traffic hazards, detract from the spacious sylvan character of the area, and impair the amenities that neighbouring residents might reasonably expect to enjoy. I agree that various walkways and pedestrian connections provide alternative routes to Thornaby Road avoiding the need to cross the Green. But the surveys clearly indicate that the Green is quite well used by pedestrians and although some walk their dogs there, some use the carriageway. The latter would be all the more likely if the ground was wet or during the hours of darkness. I find nothing else sufficiently compelling to alter my conclusion that this appeal should be dismissed.



INSPECTOR