



## Appeal Decision

Site visit made on 3 June 2008

by Louise Crosby MA MRTPI

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

The Planning Inspectorate  
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Decision date:  
25 June 2008

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**Appeal Ref: APP/H0738/A/08/2062706**  
**4 Central Street, Yarm, Cleveland, TS15 9AQ**

- 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 Chris Morris against the decision of Stockton-on-Tees Borough Council.
- The application Ref: 07/2910/FUL, dated 11 October 2007, was refused by notice dated 13 December 2007.
- The development proposed is construction of single dwelling.

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### Decision

1. I dismiss the appeal.

### Main Issues

2. I consider that the main issues in this case are the effect of the proposal on:
  - i) the living conditions of the future occupiers of the proposed dwelling and those of the occupiers of 4 Central Street and Merryweather Court; and
  - ii) highway safety as a result of a potential increase in car parking on the public highway.

### Reasons

3. The appeal site is currently a side garden to 4 Central Street. It is within the town centre, off the main shopping street. Central Street, a very narrow road, where double yellow lines prohibit parking on both sides. In addition the site lies within the Yarm Conservation Area.

### *Living Conditions*

4. The proposed dwelling would have two first floor bedroom windows on the front elevation. These would face what appeared on my site visit to be habitable room windows in a main elevation of some apartments known as Merryweather Court. There would be a distance of approximately 15 metres between the windows which, in my opinion, would lead to an unacceptable and intrusive level of overlooking in both directions.
  5. This would be contrary to Stockton-on-Tees Local Plan (LP) Policies HQ3, HO11 and GP1 which seek, among other things, to ensure that new residential development on sites such as this does not result in an unacceptable loss of amenity to the occupiers of nearby properties.
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6. With regards to external amenity space, while I accept that this is a town centre location where normal space standards are often reduced, very little garden would remain for No 4, and this would contain a car parking space for the proposed dwelling. Therefore, not only would it be small but its amenity value would be reduced by the comings and goings of a car belonging to the adjacent property.
7. In addition, a shared pedestrian footpath to No 4 and the proposed dwelling would also run along the edge of the garden of No 4, within close proximity to its front lounge and kitchen window. Together, I consider that these elements of the scheme would be very intrusive and have an adverse effect on living conditions at No 4.
8. As such I find that the proposal would conflict with the provisions of LP Policies HO3, HO11 and GP1, in so far as they seek to ensure that new residential development on sites such as this, does not result in an unacceptable loss of amenity to the occupiers of nearby properties.

#### *Highway Safety*

9. I appreciate that the proposal would provide less car parking than advised in the Stockton-on-Tees Supplementary Planning Document – *Parking Provision for New Developments* (SPD), one of the aims of which is to prevent uncontrolled on-street parking. One of the stated objectives in Paragraph 6 of Planning Policy Guidance Note 13: *Transport* (PPG13), is “to use parking policies, alongside other planning and transport measures, to promote sustainable transport choices and reduce reliance on the car for work and other journeys”.
10. Also of relevance, given the appeal site’s town centre location is Paragraph 8.3.6 of *Manual for Streets* (MfS) which states that “provision below demand can work successfully when adequate on-street parking controls are present and where it is possible for residents to reach day-to-day destinations, such as jobs, schools and shops without the use of a car”.
11. There are parking restrictions on many roads around the site and therefore I consider that the proposal would not lead to a reduction in pedestrian and highway safety, but instead reduce dependency on the private car at this town centre location. In terms of the concerns regarding the parking of vehicles in front of Mr Crenston’s business premises, this land is privately owned and therefore the occupiers of the appeal dwelling would have no legal right to park there.
12. I consider that although not in accord with SPD, because of the site’s central location with access to good public transport and town centre facilities, satisfactory car parking arrangements in accord with the objectives of PPG13 and MfS could be provided.

#### **Conclusions**

13. I conclude that although the level of car parking would be acceptable and would not result in a reduction in highway safety. However, the proposal would have an adverse effect on the living conditions of the occupiers of Merryweather Court, 4 Central Street and the proposed dwelling. I regard the

objection under this issue to be compelling and sufficient in itself to cause the appeal to fail.

14. While I accept that the location of the footpath could be changed, the car parking space would remain within the front garden of No 4 and this in itself I have found would result in significant disturbance to the occupiers there.
15. I am also aware that there is an extant planning permission for a two storey side extension to No 4. While I have not seen these plans, I consider that an extension would not lead to the reduction in living conditions at No 4 that I have identified above, since it would be occupied by the same people.
16. For the reasons given above I conclude that the appeal should be dismissed.

*Louise Crosby*

Inspector