



## Appeal Decision

Site visit made on 6 January 2009

by **Martin Joyce** DipTP 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:  
9 February 2009

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**Appeal Ref: APP/H0738/A/08/2089269**  
**71 Yarm Road, Stockton-on-Tees TS18 3PG**

- 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 Mohammed Hussain against the decision of the Stockton-on-Tees Borough Council.
- The application, Ref: 08/2492/FUL, dated 29 July 2008, was refused by notice dated 26 September 2008.
- The development proposed is the digging out of a garden area, the removal of waste and rubble and the finishing with a colour compound finish imprinted concrete.

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### Decision

1. I dismiss the appeal.

### Preliminary Matter

2. The description of the development given above is taken from the application form but the Council's decision notice refers to it as a retrospective application for a new vehicular access. Neither description is strictly accurate as the development which has taken place is the provision of a vehicular hardstanding in the place of the former front garden area of the property. I shall determine the appeal in the light of this understanding.

### Main issue

3. The main issue is the effect of the development on highway safety in this part of Yarm Road.

### Reasoning

4. The appeal property is a mid-terrace house in a row of similar properties on the eastern side of Yarm Road. The development has been undertaken to provide off-street parking at the front of the dwelling, albeit that there is no associated crossing to the highway, including any dropped kerb. Access to the parking area is gained across a narrow on-street parking bay on the same side of the road. I estimate that there is space for about eight cars within this bay.
5. The site is situated beside one of the major routes into Stockton town centre, although it has recently been de-classified from an "A" road following the completion of a by-pass. Nevertheless it carries a substantial amount of traffic, including buses, with an average flow of 10,900 vehicles. The road is straight and, although subject to a 30 mph speed limit, I was conscious of the fact that vehicles appeared to travel close to, or even above, that speed at the time of my visit notwithstanding the existence of a pelican crossing a few metres to the

south. However, whether or not traffic is travelling fast, the creation of an off-street parking area in this location is, in my view, severely detrimental to highway safety.

6. Harm to the safety of users of the public highway, including pedestrians on the footway, would occur in a number of ways. There is insufficient space within the site for vehicles to turn so they would either have to reverse into or out of the site. This would clearly interrupt the free flow of traffic on Yarm Road. Moreover, such manoeuvres would be even more dangerous because of the likely restriction of visibility in both directions caused by parked vehicles within the bay on the eastern side of the road. At the time of my visit, at about 1130 hours on a Tuesday morning, most of this space was occupied, which indicates the likelihood of a frequent impediment to safety through inadequate visibility during parking manoeuvres. Additionally, the emergence of a car from the site, between other parked vehicles, would be highly distracting to drivers on Yarm Road in a location where great care is needed because of the presence of the pelican crossing. For all of these reasons, and in conclusion on the main issue, the development is materially harmful to highway safety and thereby contrary to Policy GP1 of the Stockton-on-Tees Local Plan.
7. All other matters raised in the written representations have been taken into account, including the appellant's reference to other similar front parking areas on this section of Yarm Road. However, I understand that some of those mentioned do not have planning permission and, in any event, it seems to me that they create equally dangerous situations in terms of highway safety. Their existence does not therefore justify the retention of a further harmful development. This, and the other matters raised, do not therefore outweigh the conclusions reached on the main issue of this appeal.

*Martin Joyce*

INSPECTOR