



## Appeal Decision

Site visit made on 22 May 2009

by **Graham Garnham** BA BPhil MRTPI

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

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Decision date:  
2 June 2009

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### Appeal Ref: APP/H0738/A/09/2098811

#### 12 The Green, Wolviston, Billingham, TS22 5LN

- 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 Mrs Barbara Wren against the decision of Stockton-on-Tees Borough Council.
- The application (Ref 08/2214/FUL), dated 2 July 2008, was refused by notice dated 29 August 2008.
- The development proposed is 'construction of one detached dormer bungalow with attached double garage & separate detached double garage for existing dwelling'.

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#### Decision

1. I allow the appeal and grant planning permission for the construction of one detached dormer bungalow with attached double garage & separate detached double garage for the existing dwelling at 12 The Green, Wolviston, Billingham, TS22 5LN in accordance with the terms of the application Ref. 08/2214/FUL dated 2 July 2008, and the plans submitted therewith, subject to the following conditions:
  - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
  - 2) No development shall take place until details of a fully dimensioned scheme have been submitted to and approved in writing by the local planning authority for the access, turning and parking arrangements shown on drawing no. 0864/02 submitted with the application. The scheme shall be carried out in accordance with the approved details before the buildings hereby approved are occupied and shall thereafter be retained for the approved purposes.
  - 3) No development shall take place until details of the following have been submitted to and approved in writing by the local planning authority: the materials and detailing of the construction of the external surfaces of the buildings hereby approved; all means of enclosure; the surfacing materials for the access and turning arrangements; and the bin storage facilities. Development shall be carried out in accordance with the approved details before the buildings are occupied.
  - 4) Details of the proposed site levels and finished floor levels shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development, which shall be carried out in accordance with the approved levels.
  - 5) No construction activity shall take place on the site outside the hours of 0800 to 1800 Monday to Friday, 0800 to 1300 on Saturday or at any time on Sunday or a bank holiday.

- 6) The development hereby approved shall not be occupied until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority.
- 7) No development hereby approved shall be occupied until a scheme for the provision of foul drainage works has been submitted to and approved in writing by the local planning authority and implemented in accordance with the agreed details.

**Main issue**

2. I consider that this is the effect of the proposal on highway safety.

**Reasons**

3. The appeal site is accessed by a short private drive from an adopted carriageway across the village green. It is a cul-de-sac and the road surface is about 3.3 metres wide. This is below the recognised standard of 4.1 metres needed to allow vehicles to pass. The site entrance and the junction of The Green with the minor road through the village are clearly intervisible.
4. The restricted width is readily apparent to drivers, and is marked by rows of bollards. I consider that the proposal is unlikely to result in the lengthy reversing manoeuvres that concern the Council. Space exists within the bell mouth junction with the minor road for a vehicle to wait while another exits The Green. Limited reversing near the site access may be needed on occasion, as is the case now. However, I consider that the need for this would be minimised by the ability for vehicles to pass and turn round within the appeal site. Pedestrians have other means of access, and their safety should not be prejudiced.
5. I observed a degree of congestion at the head of The Green, just past the appeal site. This suggests to me that the road is nearing capacity. However, I consider that this proposal for 1 dwelling would not increase the level of traffic generated such as to cause a material deterioration in highway safety for vehicles and pedestrians. Nonetheless, I consider that a planning condition is necessary to ensure that the proposed access and turning arrangements on site are provided and retained for those purposes, to avoid increasing the need for reversing manoeuvres near the access point.
6. In coming to my conclusion, I have had regard to the representations about highway standards in the Manual for Streets and the Council's Design Guide and Specification (apparently available on line). I understand that the latter is not prescriptive, but sets out standards to be met for adoption (which is not involved here). While standards for new roads may not be met, I consider that the proposal would not materially exacerbate an existing, historic layout.
7. I conclude that the proposal would not materially harm highway safety on The Green. In this respect, it would not be contrary to adopted policies GP1, HO3 & HO11 in the Stockton-on-Tees Local Plan (1997).
8. I agree with the Council that the design and siting of the new buildings would preserve the character and appearance of the Wolviston Conservation Area and the setting of the nearby listed building. In this situation, the finished

appearance of the development is particularly important. This needs to be the subject of planning conditions, in respect of the buildings, the means of enclosure, the surfacing of the access and the bin store. Both finished floor levels and construction hours should be controlled in this backland site, in the interests of the amenity of surrounding neighbours. Unusually, a case has been made by the Environmental Health Unit that the means of drainage needs to be controlled, to ensure a satisfactory form of development and prevent pollution. I see no need reason for a full landscaping scheme for a private garden.

9. Subject to the planning conditions I have indicated, I conclude that the proposal is satisfactory and planning permission can be given. I have considered all other matters raised but they do not alter my decision.

*G Garnham*

INSPECTOR