



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

Appeal Ref: APP/H0738/A/09/2096911

Land to side of 7 Station Road, Billingham, Cleveland, TS23 1AG

- 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 Ms Helen Armstrong against the decision of Stockton-on-Tees Borough Council.
- The application (Ref 08/3351/FUL), dated 12 November 2008, was refused by notice dated 13 January 2009.
- The development proposed is 'construction of two storey residential structure with two flats in total (one across each level) with adjacent ground level car parking for four vehicles'.

Decision

1. I dismiss the appeal.

Procedural Matters

2. The appellant was unable to attend the site visit at the re-notified time. With her agreement by telephone, and that of the Council's representative at the site, I carried out an unaccompanied visit including entering the site. No other parties had asked to attend the site visit, and I consider that no interest has been prejudiced.
3. The appellant has submitted a number of alternative parking schemes as part of the appeal process, and suggested that I have the choice of all options. Local residents have expressed concerns about parking and highway safety, and I am not aware that they have been formally notified of these options. In any event, I understand that I am required to consider the scheme that was submitted to and used by the Council in coming to its decision. I shall therefore confine my attention to the proposal as submitted.
4. I have been provided with 2 previous appeal decisions, for 6 flats and 4 flats, each with 6 parking spaces (respectively APP/H0738/A/08/2060448 and APP/H0738/A/08/2073071). Both schemes were dismissed, though the issues and reasons varied. I have no more details of these schemes so, although I can have regard to these decisions, I cannot make direct or detailed comparisons with the present appeal proposal.

Main issues

5. I consider that these are the effects of the proposal on firstly, highway safety; and secondly, the living conditions of existing and new residents.
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Reasons

First main issue – effect on highway safety

6. The parking proposed comprises 2 spaces at the front using an existing vehicular access on Station Road, and 2 at the rear off an existing access on to Parklands Avenue. I understand that 2 would be for the new flats and 2 for the existing house at no.7. The total number seems reasonable for the number of dwellings. I also observed only limited onstreet options immediately adjoining the site – a double yellow line restriction on Station Road and frequent kerb side parking on Parklands Avenue.
7. The proposed site layout plan shows 2 spaces at the front of the new building. Comparison of this plan with the Ordnance Survey plan and my observations on site suggest that the space available is more confined than that shown on the layout plan. If 2 vehicles could be parked conveniently, which I doubt, there would be insufficient room to turn round on site. Vehicles would need to reverse in or out. The access is on the inside of a bend with visibility to the right (on exiting) being very restricted by the nearby chemist shop. I consider that this would be potentially very hazardous to residents and other highway users, on what is quite a busy road and bus route connecting to the town centre.
8. The other 2 spaces would be accessed from Parklands Avenue. I share the reservations of one of my colleagues about the shortcomings of this access (2073071). It has a blind 'elbow' in it, is wide enough for only 1 vehicle and the restricted sightlines are typically obstructed by nearby kerb side parking. However, there would be room to turn the vehicles round on site. If both spaces were allocated to the existing house, I consider that the possibility of vehicles meeting would be remote (in contrast, the previous Inspector was considering the implications for 6 parking spaces). This would not necessarily represent an intensified use of this access, as the Council appears to believe. Although unsatisfactory, I have no evidence that the present level of use is particularly dangerous and should not continue.
9. Overall, I consider that the perpetuation of the rear access arrangement would not outweigh the serious shortcomings of the proposal in relation to Station Road. I conclude that the proposal would disrupt the free flow of traffic and harm highway safety on Station Road. This would be contrary to saved policies GP1, HO3 & HO11 in the Stockton-on-Tees Local Plan (1997).

Second main issue – effect on living conditions

10. The rear elevation would face at an angle towards a social club on elevated ground. This appears to have first floor living accommodation with windows overlooking the appeal site. I consider that, because of the angle, only the windows on the south side of the new building would be much overlooked. At first floor level, the windows are for an en suite and would have obscure glazing. The ground floor patio door for the dining room would experience some loss of privacy. This would be limited by the greater height of the social club window, and might be prevented by altering the position of the door. I consider that these problems could potentially be overcome by planning

conditions. I have no evidence of significant noise problems at the moment, and the club is to some extent screened behind a high wall.

11. I conclude that the proposal would not result in unacceptable living conditions for existing or incoming residents, such as to be contrary to the local plan policies already cited.

Overall conclusion

12. On balance, I consider that the relatively satisfactory effect on living conditions would be significantly outweighed by the harm to highway safety. Moreover, this harm would not be outweighed by my agreement that the design and siting would preserve both the character and appearance of the Billingham Green Conservation Area and the setting of the domestic listed buildings some distance to the rear. I conclude that planning permission should be withheld.

13. I have considered all other matters raised but they do not alter my decision.

G Garnham

INSPECTOR