



## Appeal Decision

Site visit made on 21 July 2009

by **Wenda Fabian** BA Dip Arch RIBA IHBC

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

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Decision date:  
18 August 2009

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**Appeal Ref: APP/H0738/A/09/2103857**  
**61 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 Mohbhat Ali against the decision of Stockton-on-Tees Borough Council.
- The application Ref 08/3461/FUL, dated 2 November 2008, was refused by notice dated 30 January 2009.
- The development proposed is a retrospective application forming hardstanding to form driveway.

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### Decision

1. I dismiss the appeal.

### Main issue

2. The main issue in this case is the effect of the proposal on highway safety.

### Reasons

3. The appeal relates to the front garden of a mid-terraced house on one of the main roads into Stockton. The whole front garden has been hard paved for off-street parking and separate pedestrian and vehicle gateways constructed. Access is via the long narrow parking lay-by parallel to the street in front of the house and across the footpath. Use of the new vehicle gateway involves entering and exiting via this existing lay-by.
4. Policy GP1 of the *Stockton-on-Tees Local Plan, 1997*, (LP) requires development to be assessed against criteria, which include the provision of satisfactory access and parking arrangements.
5. The appellant points out that traffic on Yarm Road has decreased since provision of the Ingleby-Barwick/Stockton town centre link road scheme, which has led to the relocation of office space away from the vicinity of the appeal site. The road is now a 'C' classified road. Nevertheless, it remains a main route to the town centre, which carries an average of 10,900 vehicles per day and is a major bus route, with around 6 buses per hour during the day. I saw at my visit that there is steady traffic on the road during the mid-morning weekday period and the road is lined by parked cars on both sides in purpose built lay-byes.
6. In my assessment the creation of this off-street parking space conflicts with the existing on-street provision and has resulted in several significant hazards to highway safety. I saw that even at a quiet mid-morning period when many

local residents may be expected to be out, the lay-by in front of the appeal site was almost fully occupied by parked cars. The visibility of a vehicle leaving the site, and its view of oncoming traffic, as it crosses the footway would be severely restricted by vehicles parked in the lay-by. In addition this manoeuvre needs to be carried out whilst reversing in one direction as there is insufficient space within the site to turn a car. The road width at this point is limited by the existing parking lay-byes, such that any car emerging onto it from between the parked cars would inevitably have to project into the traffic stream to gain visibility and this would be unexpected by cars travelling along the road. The flow of traffic on the road would be impeded by these manoeuvres.

7. A few houses on the road have similar off-street parking spaces, but the planning histories of these are not known to me and the Council has advised that these may be unauthorised. I note the appellant's concern that there are insufficient roadside parking spaces to serve local residents. I also saw that there are numerous garages and accesses to rear yards along the rear lane behind the appeal site, one of which appears to be within the appellant's control. No evidence has been submitted to show why this cannot be adapted to provide an adequate alternative. Nonetheless, whilst this matter adds a little weight to my overall conclusion, I have reached my decision primarily in relation to the main factors set out above.
8. I conclude that the proposal has created a significant hazard to highway safety contrary to local and national policy. For this reason the appeal should be dismissed.

*Wenda Fabian*

Inspector