



Appeal Decision

Site visit made on 16 March 2011

by **Chris Checkley BA(Hons) MRTPI**

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

Decision date: 22 March 2011

Appeal Ref: APP/H0738/D/11/2144960

383 Norton Road, Stockton-on-Tees, Cleveland, TS20 2PJ

- 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 Alfio Dell'aquila against the decision of Stockton Borough Council.
 - The application Ref 10/2942/FUL, dated 16 November 2011, was refused by notice dated 7 January 2011.
 - The development proposed is dropped kerb access from driveway onto Norton Road (classified road).
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Decision

1. I dismiss the appeal.

Main Issue

2. The determining issue is the effect of the proposed dropped kerb access upon highway safety on this part of Norton Road.

Reasons

3. Permission is sought for the creation of an access from Norton Road onto the hard paved front garden of a residential property. The access would be virtually opposite a side road, Newlands Avenue, and close to the traffic-light controlled junction of the main road with Norton Avenue and Greylands Avenue.
 4. Norton Road is a classified principal A-road (A139) and main traffic route. The Council indicates that during the morning, midday and evening peak times the road carries an average of some 4,300 vehicles. It is also a major bus route, carrying about 13 buses per hour during the day.
 5. The proposal raises several highway safety concerns. First, since there is not enough room to turn a vehicle within the front curtilage, cars are likely to habitually reverse into or out of the site onto this busy road. Second, kerbside parking is permitted in the immediate vicinity of the site. Whenever this takes place it would impair visibility for emerging vehicles and reduce the space available for the free flow of high levels of traffic. The flow of traffic would also be impeded whilst any left-turning vehicle from the south slowed down to enter the site. Third, there is a dedicated right turn into Newlands Avenue for
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vehicles travelling northwards past the site. However, if the new access were in place it would encourage cars seeking to access the appeal site from the north to travel incorrectly along this dedicated lane in the direction contrary to that intended by the road markings. This would result in dangerous traffic conflicts and confusion for other road users at a point where drivers need to remain aware of and safely negotiate a number of existing hazards - including several nearby accesses, right-turning vehicles, pedestrians crossing the road using the traffic lights and elongated central island, and traffic lights with lane markings - all whilst negotiating busy traffic.

6. Therefore, I find that a new access here would result in distraction and confusion for other drivers, conflicting and dangerous traffic movements, unsafe use of a right-turn lane for movement in the contrary direction and impediment to the free flow of traffic on a busy main road near several potential hazards. I conclude that the development would have a significantly harmful effect upon highway safety on this part of Norton Road. This would be contrary to the provisions of Policy CS3 of the adopted Stockton-on-Tees Core Strategy Development Plan Document (March 2010).
7. The appellant draws attention to the number of existing dropped kerb vehicular accesses along this section of Norton Road. However, the Council indicates these are historic and they are not comparable as they include sufficient space for a vehicle to turn within and exit from the particular site in forward gear. I have taken full account of the appellant's understandable desire to have accessible private on-site parking at his home, but this benefit is outweighed by the clear-cut road safety objections. Although the Council have referred to a generalised possibility of creating a precedent for dangerous new accesses, my attention has not been drawn to specific potential sites. I have determined this case on its own merits. I have considered all other matters raised but they do not alter my decision that the appeal must fail for the reasons stated.

C J Checkley

INSPECTOR