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## Appeal Decision

Site visit made on 30 March 2015

**by Graeme Robbie BA(Hons) BPI MRTPI**

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

**Decision date: 04 April 2016**

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**Appeal Ref: APP/H0738/D/16/3145533**

**6 Coniston Road, Stockton-on-Tees TS18 4PX**

- 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 Chris McHale against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 15/2534/FUL, dated 9 October 2015, was refused by notice dated 11 December 2015.
  - The development proposed is a two storey extension to the side.
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### Decision

1. The appeal is allowed and planning permission is granted for a two storey extension to the side at 6 Coniston Road, Stockton-on-Tees TS18 4PX in accordance with the terms of the application, Ref 15/2534/FUL, dated 9 October 2015, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SBC0001; CR001 and CR002.
  - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
  - 4) Before the first occupation of the extension hereby permitted the first floor side window serving the proposed bedroom within the extension hereby permitted shall be fitted with obscured glass (minimum level 4 obscurity), and shall be permanently retained in that condition.

### Main Issues

2. The main issue is the effect of the proposal on highway and pedestrian safety and the efficient operation of the highway.

### Reasons

3. The appeal property is a modestly sized semi-detached property located within an area characterised by such dwellings. Within Coniston Road properties generally have either short driveways in front of attached single garages that project slightly forward of the principal elevation of the house or, as is the case
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- with the appeal site, longer driveways that run between the side of the house and the neighbouring property.
4. Citing the dimensions set out in the Council's Supplementary Planning Document 3: Parking Provision for Developments (the SPD) for a dwelling of this size, the Council state that the proposed extension would reduce the available driveway length to less than 5 metres in length. This would be less than the SPD's stated minimum length and would as a consequence remove the only in-curtilage parking space available to the property.
  5. From my observations at the time of my visit, I noted that the availability of space for parking at the front and side of properties on Coniston Road and surrounding streets was limited. However, as with a number of other dwellings on Coniston Road, I noted there to be sufficient space for a vehicle to park at the front of the property, parallel to the road instead of at 90° to it. Indeed, this was borne out by a gravelled area and a parked vehicle in such a position at the time of my site visit.
  6. I note from the submissions before me that this was a matter discussed with the Council prior to determination of the application. The Council indicate that this would not be appropriate as the parking space would not be at 90° to the carriageway. However, the SPD makes no reference to any such requirement and I have not been directed towards any other evidence to suggest that such a restriction exists.
  7. From the evidence before me therefore, whilst the proposal does not comply with the technical requirements of the SPD, it seems to me that the appeal site would still be capable of providing 1 in-curtilage car parking space. As the Council appear willing to discount the enlarged third, and additional fourth, bedrooms in their calculations, I do not see that the resulting car parking capacity within the site would be materially different from that currently provided.
  8. I therefore conclude that whilst the proposal would result in a technical breach of the provisions of the SPD, the proposal would not be in conflict with the overarching highway safety aims of Core Strategy policy CS2. The proposal would not preclude a level of car parking being provided equivalent to that currently provided within the curtilage of the appeal dwelling. As such, it has not been adequately demonstrated that the proposal would be harmful to highway or pedestrian safety, or that the proposal would adversely affect the efficient operation of the highway.

### **Conditions**

9. I have had regard to the conditions requested by the Council. In addition to the time limit condition, I agree that a condition setting out the approved plans is necessary in order to provide certainty. I also agree that a materials condition is necessary in the interests of the character and appearance of the area.
10. The additional bedroom created by the proposed extension would have a side facing window, towards No 4 Coniston Road. I agree that a condition regarding obscure glazing is necessary in the interests of the living conditions of occupiers of the neighbouring property, and have thus imposed such a condition.

**Conclusion**

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Graeme Robbie*

INSPECTOR