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# Appeal Decision

Site visit made on 26 June 2017

**by David Cross BA (Hons), PGDip, MRTPI**

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

**Decision date: 18 July 2017**

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**Appeal Ref: APP/H0738/W/17/3171782**

**5 Ashmead View, Stockton on Tees TS18 4QG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Mr James Sanderson against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 17/0085/FPD, dated 9 January 2017, was approved on 10 March 2017 and planning permission was granted subject to conditions.
  - The development permitted is erection of a single storey extension to the side / rear, installation of garage door to front, conversion of existing garage to garden room including the installation of windows and double doors to the side.
  - The condition in dispute is No 4 which states that: Prior to the hereby approved development being brought into use, the existing driveway to the front shall be extended in width to a minimum of 4.8m and this additional hard standing shall be a minimum length of 5m to provide a third in curtilage car parking space to be constructed to design guide standard (Supplementary Planning Document 3- Parking provision for new developments) unless otherwise agreed in writing with the Local Planning Authority. The extended driveway shall be constructed from porous/permeable materials or provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house. The approved car parking layout shall be retained for the lifetime of the development.
  - The reason given for the condition is: To provide the requisite in curtilage car parking provision in the interests of highway safety and to prevent increase risk of flooding from surface water run off in accordance with Core Strategy Policy CS3.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether the condition is reasonable and necessary in the interests of highway safety.

## Reasons

3. Ashmead View is a residential cul-de-sac which is accessed via a shared surface highway. The Council state that there is an adopted service strip adjacent to the shared surface.
4. The Council's Supplementary Planning Document 3: Parking Provision for Developments 2011 (SPD) specifies that the minimum length for in-curtilage parking spaces will normally be 6m, but in constrained circumstances may be

- reduced to 5m. For a 4-bedroom house the SPD advises that three in-curtilage spaces would be required. The proposed extensions and alterations to the property would result in the garage space to the rear being lost, and Condition No 4 has been imposed to ensure that three in-curtilage spaces are provided in accordance with the SPD.
5. The appellant states that the proposal would have a driveway of over 11m, which would enable two vehicles to be parked on the driveway as well as the parking space in the relocated garage.
  6. However, the adopted service strip would reduce the in-curtilage length of the driveway to approximately 9.2m. This would be less than the 10m minimum length required by the SPD to enable two vehicles to be parked in front of the garage. It is therefore likely that cars parked on the driveway would project onto the service strip, which is not land under the control of the appellant. This may lead to the displacement of in-curtilage parking should the service strip be unavailable. Moreover, as well as impacting on the manoeuvring of vehicles such as refuse wagons, this could also obstruct pedestrians with a resultant increase in conflicts between pedestrians and vehicles to the detriment of highway safety.
  7. I saw that there was very limited provision of on-street parking in the area, as evidenced by ad hoc parking at the turning head of Ashmead View which reduced manoeuvring space for vehicles. I am also mindful that my visit took place during the day and that the peak time of demand for parking in this residential area is likely to be in the evening and at weekends. Any proposal which could lead to a reduction of in-curtilage parking could exacerbate parking stress in the area still further.
  8. I acknowledge the appellant's comment that it may be common practice that vehicles have been parked in this manner. I also note that he is reluctant to pave the garden area. However, these matters do not outweigh the harm to highway safety which would result from the provision of a driveway of sub-standard dimensions within the curtilage of the property.
  9. For the reasons given above, and having regard to all other matters raised, I conclude that the condition is necessary in the interests of highway safety. Therefore, the appeal should be dismissed.

*David Cross*

INSPECTOR