



Appeal Decision

Site visit made on 20 November 2018

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2018

Appeal Ref: APP/H0738/W/18/3211876

Land to the rear of 74-80 High Street, Norton, Stockton-on-Tees

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Aberwood Developments Limited against Stockton-on-Tees Borough Council.
 - The application Ref 17/2295/FUL, is dated 6 September 2017.
 - The development proposed is construction of one detached dwelling with attached garage.
-

Decision

1. The appeal is dismissed and planning permission for construction of one detached dwelling with attached garage is refused.

Background and Main Issue

2. The proposal consists of a detached 3-bedroom dwelling located to the rear of properties which face onto High Street. Access to the dwelling would be via a narrow alleyway which leads onto a circulation area serving a number of properties. The circulation area also contains a garage and parking spaces. The appeal was submitted following the Council's failure to give notice of its decision within the prescribed period. The Council has provided an appeal statement which indicates that based on its assessment of the proposal it would have been minded to refuse the application for reasons relating to the narrowness of the access to the site and poor sight lines.
3. Accordingly, I consider that the main issue in this appeal is the effect of the proposal on highway safety.

Reasons

4. The access from the appeal site onto High Street consists of a narrow alleyway between two buildings, and subsequently has restricted visibility for the drivers of vehicles emerging onto the footpath. I saw that drivers exiting the alleyway have minimal visibility of pedestrians passing along the footpath, with resultant harm to the safety of pedestrians. Whilst passers-by may be aware of the potential for vehicles to emerge from the side streets, this does not justify a proposal which may exacerbate issues of highway safety associated with an inadequate junction with the public highway. I have had regard to the history of personal injury collision records in the vicinity of the site submitted by the

appellants, but this does not lead me to a different conclusion on the characteristics of this access.

5. The appellants state that there are 3 parking spaces within the appeal site which would be removed as part of the proposal. They contend that the removal of these spaces would ensure that there would be no increase in vehicular use of the site and that there may be a decrease. However, the submitted evidence in this respect is limited. Whilst the garage and parking spaces have been rented out for some time, no substantive evidence has been provided by the appellants as to the nature of vehicle parking or the associated traffic and pedestrian movements. I acknowledge that the use of the garage and parking spaces may change over time. But, based on the evidence before me, it has not been demonstrated that the vehicle and pedestrian movements associated with the existing parking provision would correspond to or exceed that resulting from the proposed dwelling.
6. Furthermore, due to pedestrian movements associated with residents and visitors of the dwelling, the proposal would be likely to lead to a change in the amount and character of pedestrian movements passing through the alleyway. I am particularly mindful that this would be likely to include children as the dwelling would be suitable for families. Due to the restricted width of the alleyway and the limited visibility at the junction, the change in the nature of pedestrian movements as a result of the proposal would be likely to lead to an increase in conflicts between pedestrians and vehicles to the detriment of highway safety.
7. I note that the Highways, Transport and Design Manager has not objected to the proposal, subject to conditions. However, due to the limited evidence in respect of the existing use of the parking spaces as well as potential changes in vehicular and pedestrian access to the proposed dwelling, I consider that the Council's concerns on highway safety are well founded.
8. Drawing the above together, I conclude that the proposal would be harmful to highway safety due to the inadequate access provided to the proposed dwelling. The proposal would therefore be contrary to Saved Policy HO3 of the Stockton on Tees Local Plan 1997 which requires that residential development should make satisfactory arrangements for access. The proposal would also conflict with the National Planning Policy Framework due to its unacceptable impact on highway safety.

Other Matters

9. I have had regard to the comments raised locally in relation to the proposal, which includes concerns relating to potential noise and disturbance associated with vehicles passing over proposed speed humps. I saw that the speed humps would be adjacent to the walls of properties on either side of the access and located in close proximity to the windows of habitable rooms. Had I been minded to allow this appeal this is an issue I would have considered further.
10. Reference has been made to a number of previous planning applications and appeal decisions for this site. I have not been provided with full details of these previous schemes and so cannot be sure of their relevance to this appeal. In any event, I have determined this appeal on the basis of the evidence before me.

11. I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the effect of the proposal on the nearby Grade II listed buildings of 80 and 82 High Street. The significance of these properties is summarised by the list description. The appeal site is also within the Norton Conservation Area (CA). However, the Council considers that the proposal would not raise any issues in respect of the setting of listed buildings and that it would not adversely impact on the character of the CA. Based on the evidence before me I see no reason to disagree with the Council's conclusions in respect of the effects on designated heritage assets.

Conclusion

12. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR