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## Appeal Decision

Site visit made on 17 September 2022

**by D Hartley BA (Hons) MTP MBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20<sup>th</sup> September 2022**

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**Appeal Ref: APP/A4520/W/22/3298067**  
**149 Boldon Lane, South Shields NE34 0LY**

- 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 outline planning permission.
  - The appeal is made by Mr Ali Shahverdi against South Tyneside Metropolitan Borough Council.
  - The application Ref ST/0912/21/OUT, is dated 25 August 2021.
  - The development proposed is described as development of the land in the property for 6 No. double bedroom flats.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. An appeal was lodged with the Planning Inspectorate on 3 May 2022 and at this stage the local planning authority (LPA) had not determined the outline planning application. As part of the appeal, the LPA has included a decision notice, dated 4 May 2022, and an accompanying officer report. Hence, I have details of what decision the LPA would have made had it been in a position to do so. This has formed the basis of the identification of the main issue below.
3. The application is submitted in outline with all matters reserved. Indicative plans accompany the outline application and I have taken such plans into account in so far as assessing whether, in principle, it would be possible to develop the site for six flats without causing harm in planning terms.

### Main Issue

4. There is no dispute between the main parties that in respect of land use principle and the indicative height of the proposed building, including its associated effect on the living conditions of the occupiers of existing and proposed residents, the development would be acceptable in planning terms. I have no reason to disagree with the conclusions reached by the LPA in these respects.
5. However, the point of contention between the main parties, and hence the main issue in this appeal, is whether the proposal would be capable of providing a sufficient number of on-site car parking spaces, whether on-site car parking provision could be provided to enable suitable and safe vehicle manoeuvring, and the effect of the development on the free flow of traffic, highway safety and the living conditions of nearby residents.

## Reasons

6. It is proposed to erect a three and half storey building on disused land to the side of No. 149 Boldon Lane (a semi-detached dwelling) to accommodate six flats. The site is adjacent to Winskell House, in use as flats, which is similar in height to the appeal development. It is in very close proximity to the junction of Boldon Lane and Harton Lane which includes a mini-roundabout. My site visit revealed that these are relatively busy roads with a steady stream of traffic. On Boldon Lane, including immediately outside the site, there are single yellow lines on one side of the road and marked out car parking spaces on the other side of Boldon Lane, used primarily in connection with the occupation of nearby dwellings.
7. The indicative layout shows six on-site car parking spaces to serve the proposed six flats and No. 149 Boldon Lane. An amended indicative layout plan showing a revised car parking arrangement was submitted to the LPA and is dated 10 January 2022 (drawing A-032-0813-02B). I have taken all submitted indicative drawings into account in so far as assessing whether the proposal would be acceptable in principle.
8. The Council's adopted Supplementary Planning Document 6 'Parking Standards' 2010 (SPD) requires a maximum of two on-site spaces per dwelling plus 1 space per three dwellings for visitors. Consequently, there would be a very significant shortfall in on-site car parking provision on the site when the indicative layout is considered against the SPD. While the SPD car parking requirements are set as maximums, the evidence in this case is that the shortfall in on-site car parking provision could not be reasonably accommodated on the surrounding roads.
9. Indeed, and while my site visit was only a snap shot in time, it was nevertheless evident that there was limited capacity to park vehicles on Baldon Lane. Where unrestricted space was available, including on Harton Lane, the potential parking of vehicles close to the roundabout and cross roads would in some locations have the effect of unacceptably interrupting the free flow of traffic.
10. Furthermore, my site visit revealed that there was limited on-street car parking capacity on the opposite side of Baldon Lane. These spaces are in front of dwellings which have no on-site car parking provision and, in the absence of detailed car parking surveys from the appellant, I find that it is possible that pressure for on-street car parking in Baldon Lane may likely lead to some unacceptable inconvenience for those that already live in the locality. Furthermore, and owing to possible on-street car parking pressures and demand in the locality, particularly at peak times, I am concerned that the proposal would have the potential to give rise to car parking on single yellow lines in Baldon Lane. Should this happen, it would also unacceptably interrupt the free flow of traffic.
11. While it may just about be technically possible to manoeuvre vehicles within the site, based on the appellant's amended indicative layout, and hence enable all vehicles to enter and exit the site in forward gear, the space would nonetheless be very tight. I appreciate that this is an outline planning application with layout details reserved. However, my concern about the tight space available for vehicular manoeuvring would be compounded by the fact that the indicative drawings do not show areas for the storage of outside refuse

bins. In this context, there may not be enough room for vehicles to manoeuvre within the site. This may put greater pressure on the need to park on the road or lead to unacceptable reversing onto Baldon Lane to the detriment of highway safety.

12. The evidence is that there is potential for limited on-street car parking space to be available in the area. Indeed, a third party comments that '*parking in the vicinity has become more difficult and onerous for our members since the introduction of restrictions in Harton Lane a few years ago*'. In this context, I find that it is possible that some visitors would first enter the site to see if car parking spaces were available, including those to the rear. If all proposed car parking spaces were in use on the site, it would then necessitate the reversing of vehicles onto Baldon Lane which in turn would lead to harmful conflict between vehicles and also pedestrians and interrupt the free flow of traffic.
13. There is the potential for vehicles entering the site to have to wait on Baldon Lane while vehicles within the indicative frontage car park manoeuvre into and out of spaces. This would also unacceptably interrupt the free flow of traffic close to a roundabout junction. Given the limited distance between the junction and the indicative site access, I am concerned that a motorist turning left from Harton Lane and into Baldon Lane would have very limited time to stop if a motorist were waiting to turn left into the site or indeed was exiting the site. Consequently, there is potential for a collision to occur in these circumstances.
14. In addition to the above, visibility for drivers existing the site would be poor given the location of Winskell House and an equipment cabinet. I recognise that there is an existing site access on Baldon Lane. However, the proposal would seek to significantly intensify the use of the site by vehicular traffic. In this context, I find that pedestrian and vehicular visibility would be unacceptably restricted to the detriment of highway safety. This harm would be exacerbated as a result of retention of the existing pillars on the front of the site.
15. For the collective reasons above, I conclude that the development would not be acceptable in principle in so far that sufficient evidence has not been provided to demonstrate that the proposal would provide an acceptable number of on-site car parking spaces, that harm would not be caused to the free flow of traffic, that unacceptable harm would not be caused to highway safety and that the proposal would not lead to unacceptable on-street car parking pressures to the detriment of the living conditions of the occupiers of nearby dwellings. Consequently, I am unable to conclude that the proposal would accord with the highway safety, traffic management and amenity requirements of policy DM1 of the South Tyneside Local Development Framework Development Plan Policies 2011, the SPD and paragraphs 110, 111 and 130 (f) of the National Planning Policy Framework 2021.

## **Other Matters**

16. The evidence indicates that the LPA case officer was considering approving planning permission on 22 February 2022. The LPA case officer states that '*I have received a response from our Highways team who no longer raise any objections*'. However, the Highway Authority consultation response before me is dated 25 March 2022 and objections are raised. While I do sympathise with the appellant's position in respect of this matter, it has nonetheless been necessary for me to determine this appeal on its individual planning merits. I

do not know why the LPA case officer said that the proposal would be supported, but what is clear is that neither the LPA nor the Highway Authority support the proposal from the point of view of this non-determination appeal. The comments made by the LPA case officer on 22 February 2022 do not alter or outweigh my conclusion on the main issue.

### **Conclusion**

17. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

*D Hartley*

INSPECTOR