



Appeal Decision

Site visit made on 6 September 2022

by David English BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2022

Appeal Ref: APP/A4520/D/22/3299048

15 Chaytor Street, Jarrow, NE32 3PN

- 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 Mark Fulcher against the decision of South Tyneside Council.
 - The application Ref ST/0448/21/HFUL, dated 14 December 2021, was refused by notice dated 6 April 2022.
 - The development proposed is a hard standing in front of house for small vehicle parking, remove fence, have the hardstanding open (no gates), and have kerb dropped to gain access to hard standing.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on highway safety in respect of vehicular egress from the appeal property.

Reasons

3. The appeal property is a terraced house situated in a short block fronting onto a classified road, the B1297, of which Chaytor Street forms a short section. This section of the road comprises footways to either side of a wide carriageway with demarcations showing cycle lanes on both sides. Parking restrictions limit daytime parking and waiting, and bollards are present in both footways where the road bends towards Ellison Street.
4. Low bow top metal fencing with a pedestrian access gate forms the boundary between the appeal property and the highway, like the other houses in the street, all of which have short front gardens. There are no direct vehicular accesses to the gardens from the B1297, and only 1 Chaytor Street has a parking area to the front with access taken from a side road. The appeal proposal would therefore create the only individual access to a dwelling in the vicinity. There is insufficient space to allow a vehicle to turn and leave the site in a forward gear. This would introduce the probability of dangerous and unexpected reversing of vehicles onto the highway and/or vehicles stopping in the highway and reversing onto the site which would be harmful to highway safety in respect of vehicular egress from the appeal property.
5. On my site visit I saw the vehicular access to the vacant commercial premises opposite the appeal site to which the appellant refers. While that site is largely derelict and overgrown, it is apparent that sufficient space exists to allow

vehicles to turn and exit that site in a forward gear, which is not the case at the appeal property.

6. There are 30mph speed restrictions in place along the B1297. However, the overall impression I gained during my site visit was of a busy road used by pedestrians, cyclists, and a wide variety of fast moving commercial and private vehicles, including buses and articulated lorries. I saw that road signs in the vicinity direct traffic along Chaytor Street towards the A19 trunk road and the Tyne Tunnel which is nearby. Whilst I note the appellants comments on its status, this highway has the attributes of a well-used major route. Given the features I have described, the function of the road as a link to higher order highways, and the volume and speed of traffic I observed, it would be unlikely that highway users would expect to encounter vehicles reversing from private drives along this stretch of road.
7. The proposal therefore conflicts with Policy DM1 of the South Tyneside Local Development Framework Development Management Policies (December 2011) which seeks to ensure the impact of development is acceptable in relation to highway safety. The proposal would also conflict with the National Planning Policy Framework which seeks the same.

Other Matters

8. The appellant has drawn my attention to several streets in the area where vehicular accesses to individual dwellings exist. Apart from Victoria Road, the streets identified are within established housing estates which have markedly different characteristics to Chaytor Street, being generally much quieter. Highway users would reasonably expect to encounter vehicle movements to and from readily visible drives serving the houses in those streets. The character of Victoria Road varies along its length. In those locations where individual accesses exist, these are generally in blocks of housing where, because of their open nature, highway users would be conscious of the accesses and could reasonably be expected to act with due caution. For these reasons the examples provided bear little comparison to the proposal before me which, in any event, I have determined on its merits.
9. I note the personal benefits associated with creating secure off-street parking, and I recognise the general environmental benefits associated with switching to electric vehicles even on an individual scale. I recognise that traffic restrictions along Chaytor Street allow for parking in the evening and overnight, but parked vehicles could impede visibility of cars emerging from the proposed access. I also note the lack of objections from neighbours, but that does not justify harmful development. None of the matters raised present benefits or mitigation sufficient to outweigh the harm that would arise from the proposal.

Conclusion

10. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

David English

INSPECTOR