



Appeal Decision

Site visit made on 17 January 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2023

Appeal Ref: APP/W0734/D/22/3310200

30 Oval View, Middlesbrough, TS4 3SW

- 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 Mrs Andrea Jaworski against the decision of Middlesbrough Council.
 - The application Ref 22/0508/FUL, dated 23 July 2022, was refused by notice dated 30 August 2022.
 - The development proposed is conversion of garage, replace garage door with a window and install a roof light.
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Decision

1. The appeal is dismissed insofar as it relates to the parking arrangements shown on Block and Site Plan (Scale 1:200). The appeal is allowed insofar as it relates to conversion of garage, replace garage door with a window and install a roof light at 30 Oval View, Middlesbrough, TS4 3SW in accordance with the terms of the application, Ref 22/0508/FUL, dated 23 July 2022, 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: Location Plan (Scale 1:1250); Existing and Proposed Front Elevation (Scale 1:50), Ground Floor Plan (Scale 1:50) and Section through Conversion (Scale 1:50).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on highway safety, with regard to parking provision.

Reasons

3. The appeal site is located on Oval View, close to the junction with Turnbull Way in a residential area. Oval View is a one-way street with a footpath on one side of the road. The road and footpath are relatively wide.
4. There are currently two off-street car parking spaces at the appeal property. The proposal would result in the numerical loss of one of these spaces through the conversion of the garage, which the Council suggest is contrary to

established policy and have drawn my attention to a design guide and specification document for residential and industrial estates development, prepared for the local authorities in the Tees Valley. This document is not part of the development plan, but as set out in the introduction, is intended to be a guide, setting out basic principles mainly to ensure new roads meet adoptable standards. It advises that for a three bedroom property, such as the appeal site, two off-street car parking spaces should be provided.

5. However, the appellant suggests that the dwelling has been occupied on the basis of there being only one off street car parking space, owing to the garage being too small to accommodate a car. This matter has been accepted by the Council in a previous decision for a nearby property¹, when it is acknowledged that where garage dimensions do not meet the guidance set out in the Tees Valley design guide and specification document it should not count towards off-street car parking provision. While I note that the proposal would result in the permanent numerical loss of an off street car parking space, given the dimensions, it is unlikely that the garage would be used for car parking by future occupiers.
6. I observed some existing on-street parking along Oval View, including near the junction with Turnbull Way. However, given that traffic is travelling in one direction, and the generous width of the road, this did not appear to affect the free flow of traffic, significantly reduce visibility or pose a danger to highway safety.
7. I note that the footpath in front of the appeal property is a crossing point to the footpath opposite which leads into the area of communal open space. However, given the width of the road and pavement, even if there was on-street parking in this location, visibility and access would not be significantly affected to the extent that it would be harmful to pedestrian safety.
8. While I note the objection from the Council's highways officer, irrespective of whether there would be a loss of an off street car parking space, there is no substantive evidence to suggest the proposal would result in an increase in on-street parking or the displacement of parking of such a scale that it would be harmful to highway safety.
9. As such, for the reasons set out above, the proposal would not be harmful to highway safety, with regard to parking provision, and accords with policies CS5 and DC1 of the Middlesbrough Core Strategy (2008). These policies, amongst other things, require proposals to provide high quality townscapes without barriers to safe movement, have limited effect on transportation infrastructure and avoid harm to highway safety.
10. The submitted plans include a Block Plan and Site Plan showing two off-street car parking spaces, one on the existing driveway and an additional space at an angle in front of the property. As indicated by the appellant, it would appear that this plan was submitted in response to advice from the Council to provide an alternative off street car parking space. However, the plan would result in two cars being parked so close together that it would restrict pedestrian access to the dwelling. It seems likely that in facilitating a thoroughfare to access the dwelling, the splayed parked car may have to overhang the pavement at an awkward angle. This obstruction would be harmful to pedestrian safety, in

¹ Delegated Report ref 18/0227/FUL, as provided by the appellant

conflict with policies CS5 and DC1 of the Core Strategy. As such, I cannot permit this element of the proposal. The parking space is clearly severable from the garage conversion and so a split decision should be issued.

Conditions

11. In addition to the standard condition which limits the lifespan of the planning permission I have specified the approved plans for clarity. A condition relating to materials is necessary to protect the character and appearance of the area.

Conclusion

12. For the reasons given above, having considered the development plan as a whole, and all other material considerations, I conclude that the appeal should be allowed in part and dismissed in part.

F Harrison

INSPECTOR