



Appeal Decision

Site visit made on 8 September 2023

by David English BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2023

Appeal Ref: APP/W4515/D/23/3325098

4 Dene View, Backworth, North Tyneside NE27 0GL

- 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 Jon Whittaker against the decision of North Tyneside Council.
 - The application Ref. 23/00406/FULH, dated 17 March 2023, was refused by notice dated 22 May 2023.
 - The development proposed is Conversion of existing garage into a habitable space.
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Decision

1. The appeal is allowed and planning permission is granted for Conversion of existing garage into a habitable space at 4 Dene View, Backworth, North Tyneside NE27 0GL in accordance with the terms of the application, Ref. 23/00406/FULH, dated 17 March 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SITE LOCATION AND BLOCK PLAN Drawing No: 2068 – 01; EXISTING PLANS Drawing No: 2068 – 01; EXISTING ELEVATIONS Drawing No: 2068 – 02; PROPOSED PLANS Drawing No: 2068 – 03; and PROPOSED ELEVATIONS Drawing No: 2068 – 04.
 - 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.

Preliminary Matter

2. The Officer Report provides some contradictory comments in the section covering '*Impact on neighbours*', a matter noted by the appellant. However, the Council's decision notice is clear that its concern lies only with matters of highway safety. Accordingly, the matters cited in the decision notice have been the focus of my attention in reaching my decision on the appeal.

Main Issue

3. The main issue is the effect of the development on highway safety with regard to parking provision.

Reasons

4. The appeal site is a detached house located on a shared private drive in a small cul-de-sac of eleven similar dwellings on a modern housing estate. Parking provision at each house in the cul-de-sac generally comprises a single garage

with two off-street parking spaces. Additionally, there are two visitor parking bays alongside the carriageway in Dene View, each having two spaces. Similar on-street parking provision is made nearby in several places alongside Hotspur North, a short walk from the appeal site. While there are double yellow lines at the head of the cul-de-sac, there are no other parking restrictions in Dene View.

5. Although only a snapshot in time, during my site visit in the early evening I saw that most of the visitor parking spaces were available in Dene View, spaces were available in the dedicated bays nearby on Hotspur North, and there was little evidence of on-street parking other than in one of the dedicated bays close to the appeal site. Overall, Dene View and the nearby sections of Hotspur North did not appear to me to be experiencing any significant degree of parking stress, and I have seen little evidence to contradict this impression.
6. The Council's guidance on car parking provision expected to serve residential development is set out in its Transport and Highways Supplementary Planning Document (2022) (the SPD). This introduced standards expecting a greater amount of car parking to be provided at new dwellings than guidance extant at the time the appeal property was permitted. This change seeks to address the Council's concerns regarding indiscriminate parking in the highway at some older developments permitted in accordance with the previous guidance. Reference is made in the Officer Report to older developments elsewhere in North Tyneside where this is said to be the case. However, I have not been provided with further details and have therefore been unable to afford these examples more than limited weight. I have, in any event, determined the appeal before me on its own planning merits.
7. The appellant indicates that the existing garage is not large enough to accommodate a modern car and is therefore not used as a car parking space. However, while it may not currently be used as such, based on the dimensions provided, I am satisfied that the garage could accommodate a variety of modern cars. Furthermore, the garage provides space for the secure storage of cycles and such provision is an expectation of the SPD. However, sufficient space exists in the rear garden of No 4 to allow for the provision of adequate, convenient, secure and enclosed cycle storage.
8. Standards in the SPD are expressed as '*...expected levels of parking provision*', they are provided for guidance, and do not attract the weight of development plan policies. Furthermore, the SPD seeks to encourage the use of alternative modes of transport and recognises that a reduction in standards of parking provision may be considered in areas with good accessibility, appropriate parking management, and robust Travel Plan measures in place.
9. While I have not seen details of any relevant Travel Plan, there are parking management measures in place locally through double-yellow lines in Dene View and in sections of Hotspur North. Recognising advice in the National Model Design Code, Part 2 Guidance Notes (June 2021) that generally, people are prepared to walk around 10 minutes to a railway station, the appeal site is located within reasonable walking distance of the Northumberland Park Metro Station. Furthermore, safe and convenient pedestrian and cycle routes have been designed into the housing estate linking housing to nearby services.
10. Overall, I would judge the appeal site to be in an area with good accessibility. In this context, the proposal would generally accord with the intentions of the

SPD. Furthermore, the proposal would also accord with the intentions of Chapter 9 of the National Planning Policy Framework in respect of promoting sustainable transport, and this weighs moderately in its favour.

11. The Council's New Developments Manager expresses a concern that allowing the proposal would set a precedent leading to other similar development coming forward which, if allowed, could result in a cumulative adverse effect on highway safety. During my site visit I saw the examples cited by the appellant at 28 Briardene Way and 73 Hotspur North but have not seen details of the planning status of the changes made to those dwellings. These examples are few in number in comparison to the size of the housing estate, and while the possibility exists that other similar proposals may come forward, I have seen no evidence to suggest that there is a reasonable prospect of significant levels of similar development being repeated nearby. Even if other similar proposals came forward, noting the Council's ability to control any such proposals, each case would be considered on its own merits having regard to the evidence and circumstances relevant at the time.
12. Having regard to current local circumstances and the information before me, there is limited substantive evidence to demonstrate that the loss of the garage space for car parking in this case would lead to there being an unacceptable level of parking provision to serve the occupiers of No 4. Furthermore, there is no compelling evidence to suggest that there are existing highway safety issues associated with on-street parking either in Dene View or on nearby roads, or that the free flow of motorists, cyclists and pedestrians would be harmfully impeded by the proposed development given its location at the head of this small cul-de-sac, and its limited scale.
13. I conclude that the proposed development would not cause unacceptable harm to highway safety with regard to parking provision. Accordingly, the proposal would not conflict with Policy DM6.1 of the North Tyneside Local Plan (July 2017) which, amongst other things, expects proposals to demonstrate sufficient car parking that is well integrated into the layout. While the proposal would reduce parking provision at No 4, it would generally conform with the intentions of the SPD insofar as it seeks to ensure development has sufficient parking such that it will not have a detrimental impact on highway safety.

Conditions

14. I have had regard to the conditions suggested by the Council which are largely the same as those I have imposed. The conditions I have imposed to ensure commencement within statutory time limits, and to specify the plans approved, are both necessary in the interests of certainty. A condition requiring the use of matching materials is also necessary to ensure the character and appearance of the area is not harmed by the proposed development.

Conclusion

15. 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 allowed.

David English

INSPECTOR