



Appeal Decision

Site visit made on 21 January 2025

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2025

Appeal Ref: APP/H0724/W/24/3356155

H Tones storage yard, Oxford Road, Hartlepool TS25 5SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Mr Henry Tones (H.Tones Oxford Garage Ltd) against the decision of Hartlepool Borough Council.
 - The application Ref is H/2024/0196.
 - The development proposed is installation of roller shutter door (retrospective) and creation of access and dropped kerb on to Spring Garden Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The works as described above has already taken place at the appeal site although the dropped kerb was not in situ at the time of my site visit. The scheme has therefore been assessed on a part retrospective basis.
3. An update to the National Planning Policy Framework (the Framework) has been published dated 12 December 2024 but there are no material changes relevant to the substance of the appeal.

Main Issue

4. The main issue is the effect of the proposed development on highway safety.

Reasons

5. The appeal site is a storage yard which is understood to operate in connection with H. Tones Oxford Garage (car dealership). The garage itself is located adjacent to the junctions of Stockton Road with Oxford Road, and Stockton Road with Spring Garden Road. The storage yard subject to this appeal is located further west of the main business site with Oxford Road adjacent to the north and Spring Garden Road adjacent to the south. It is bound to the east by a coach operator and to the west by commercial units. Residential properties are located to the south of the site and the site boundary is defined by a tall brick wall.
6. The established vehicular access to the appeal site is off Oxford Road to the north and although a number of businesses along Spring Garden Road do benefit from access to the south onto this road, the road itself is a predominantly residential street. It is claimed that commercial businesses have operated here well before the construction of residential properties, but this would not alter the current

context of the site and surrounding area whereby there are many residential properties.

7. The proposed development seeks retrospective planning permission for the installation of a roller shutter door within the southern boundary of the appeal site adjacent to Spring Garden Road. The roller shutter door is intended to provide vehicular access onto Spring Garden Road. A dropped-kerb would also be installed and overall, the development would move the operations of the commercial premises closer to the residential section of the street.
8. I understand that revisions have been made to the scheme which would allow the site to operate a one-way system. Vehicles would enter the storage yard off Oxford Road to the north and exit via Spring Garden Road to the south.
9. The Council's Traffic & Transport department has received past complaints regarding highway safety and car parking on Spring Garden Road, primarily arising from the businesses in the area. The Council's Traffic & Transport has therefore considered it necessary to implement parking restrictions in an attempt to mitigate some of these impacts. This has impacted the amount of space residents have to park with restrictions applying at certain times of the day/week.
10. The proposed development would create a new access onto Spring Garden Road resulting in the loss of parking to the front where parking could otherwise take place. It would exacerbate traffic flows and parking issues in an area already experiencing problems which would be particularly felt by nearby residents who already struggle to park. In turn, this would be detrimental to road safety.
11. The use of the one-way system would not sufficiently mitigate against this as it would still result in increased traffic flows over and above the existing situation where there is no access from this site onto Spring Garden Road. The one-way system would also mean that all vehicles would need to turn out onto Spring Garden Road and despite claims made regarding low activity, it would not be possible to impose restrictions on the numbers of vehicles using a road or access as this would not be reasonable nor enforceable and would fail the tests as set out at paragraph 57 of the Framework.
12. A condition restricting the access onto Spring Garden Road as an egress only would be difficult to control and would also raise concerns over the enforceability of such a planning condition and thus would also not meet the tests. I am aware of the suggestion regarding restricted opening hours, but this would not be sufficient to alter my findings as the proposed development would still increase traffic flows and parking issues in the area.
13. The parking restrictions may align with the garages business hours, but I cannot agree that the proposed development would not interfere with residents parking. This is because it would still result in the loss of the space to the front where residents would be reluctant to park across such an access even outside of the parking restrictions/operational hours due to it presenting an obstruction. This space would not therefore be available for residential parking. Whilst the loss of parking is modest, the road is clearly one which already experiences problems and this would further compound traffic/parking difficulties which should be avoided.
14. I am aware of other accesses along this road and the well-established businesses in the area, but this would not be a sufficient reason to justify the scheme or mean

that the development would not be harmful as it would further exacerbate the current situation where it is evident that problems exist.

15. For the above reasons, the proposed development would unacceptably harm highway safety. It would therefore be contrary to Policies QP3 and RC21 (1) of the Hartlepool Local Plan, 2018 which together, amongst other matters, explains that proposals for industrial, business, leisure, retail and other commercial development, or for their expansion, will not be permitted in predominantly residential areas outside the defined retail and commercial centres unless: 1. there is no significant detrimental effect on the amenities of the occupiers of adjoining or nearby premises by reason of noise, smell, dust or excessive traffic generation. For the same reasons, the proposed development would also be contrary to paragraph 116 of the Framework which explains that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
16. I appreciate that there is support shown locally and nationally for economic development in sustainable locations, but development would still need to comply with the above policies which this scheme does not.

Other Matters

17. I note the appellant's frustrations regarding the conduct of the Council during the application process. I have also had regard to matters relating to character and appearance, residential amenity, flood risk matters etc but such factors would not alter my findings in relation to the above main issue.
18. I am mindful of the operational requirements of the business and matters relating to viability and in turn the economy, but this would not be a sufficient enough reason to justify harmful development nor outweigh the identified harm. The congestion issues caused by the bus stop on Oxford Road would also not outweigh the identified harm.

Conclusion

19. The proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that would outweigh the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

N Teasdale

INSPECTOR