



Appeal Decision

Site visit made on 4 March 2025

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 March 2025

Appeal Ref: APP/A4520/W/24/3353824

1 Kingswood Close, Boldon Colliery, South Tyneside NE35 9LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Stephen and Sharon Wilson against the decision of South Tyneside Council.
 - The application Ref is ST/0166/24/FUL.
 - The development proposed is the erection of a single, detached use class C3 dwellinghouse across two storeys, with 3 bedrooms and the formation of vehicular access onto Cotswold Lane, car parking and garden/curtilage areas.
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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 for all users on Cotswold Lane.

Reasons

3. The proposal would result in a new vehicular access onto Cotswold Lane, a 30 miles per hour thoroughfare between several residential areas, providing a connection to the A19. While Cotswold Lane has been subject to traffic calming measures including central hatching to reduce the carriageway width and occasional speed bumps it does not have the characteristics of a street. In coming to this conclusion, I have considered the general absence of development fronting the road and so there is not a strong sense of place, resulting in the function of Cotswold Lane primarily being a road to take people from one place to another.
4. The proposed access would be opposite the junction with Cinderford Close and proximate to a zebra crossing and bus stops on either side of the road. Residents indicate that Cotswold Lane is a busy road with vehicles often travelling too fast making it dangerous. The pedestrian crossing is said to be well used, including by families with children for the school run to a nearby primary school. There have been experiences of cars failing to stop at the zebra crossing when pedestrians have been waiting to cross and there are said to have been several near misses. Even if there is not any evidence of severe breaking on the road, I have no reason to doubt residents' comments on these matters.
5. The National Planning Policy Framework (the Framework) in paragraph 116 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative

impacts on the road network would be severe. Given the scale of the proposal and likely number of trips generated, it would not have a severe impact on the highway network. However, taking account of the complex road layout in the vicinity of the appeal site, the proposed access arrangements present a degree of risk for road users and pedestrians.

6. The dimensions of the proposed driveway would not allow sufficient space for a vehicle to manoeuvre, especially if two cars were parked on the drive. As such, even though there is satisfactory forward visibility the future occupiers and their visitors would not be able to exit the site in a forward gear, unless they had first manoeuvred in the road to allow them to reverse into the driveway. Therefore, reversing manoeuvres in the road to either access or egress the site would be necessary. It is suggested that a suitable on-site turning area could be provided to enable vehicles to exit the site in a forward gear. However this is not what is shown on the plans and it is not clear whether the changes required to accommodate a turning area would fundamentally alter the proposal. As such, this is not a concern that could be rectified by a planning condition.
7. Access and egress to the site would be at a point in Cotswold Lane where drivers need to take more care. While some drivers would be slowing down as they approach the crossing, there would also be cars accelerating to join Cotswold Lane from Cinderford Close. Furthermore, residents have indicated that it is not uncommon for buses to park up for a period of time at the bus stop waiting for their scheduled departure time therefore restricting visibility. In this context, there could reasonably also be vehicles overtaking the stationary bus. Given the nature of Cotswold Lane as a local distributor road and the absence of dwellings fronting the road as would be common on a street, drivers would not be expecting a vehicle to be reversing onto or manoeuvring in the road.
8. Highway safety would be further undermined in the likely scenario that excess demand for visitor parking is displaced in front of the appeal site. Cars parked either wholly on the grass verge and pavement or partially on the road would harmfully interrupt and reduce intervisibility between all road uses. This situation would be mirrored by delivery vehicles, who would also be likely to park in this way for convenience.
9. Even if there is no record of accidents in the locality, this does not mean that the arrangements would be safe, as only crashes which involve personal injuries are recorded, and I have carefully considered comments from residents regarding their perceptions of danger. It is suggested that the presence of a new access onto Cotswold Lane would assist in reducing speeds. However, as set out above, the proposed access would be onto a distributor road not a residential street and so drivers would not be expecting there to be vehicles manoeuvring in the road. In addition, it would be at a location that is already sensitive to distraction or confusion where drivers need to take more care. Within this context, the proposal would introduce an unacceptable increase in the potential for conflict between road users, prejudicing the highway system and would not accord with guidance in relation to plot subdivision in the Supplementary Planning Document 9 Householder Development (2010, revised 2014).
10. My attention has been drawn to an apparently similar access arrangement on Cotswold Lane where vehicles are able to park next to the road. While this is opposite the junction with Station Road it is not in a particularly complex section of

Cotswold Lane and so is not directly comparable to the appeal scheme. In any event, from my observations the parking area is of a much larger dimension than the proposed driveway, and allows for manoeuvring off the road so that cars could exit in a forward gear. Even if it is not large enough for vans or HGVs it is not supported in evidence that it is likely that these types of vehicles would be parking on Cotswold Lane. The other example does not therefore lead me away from my above findings. There is also support for the scheme from some local residents, however this is not a reason in itself to allow harmful development.

11. To conclude, the proposal would be unduly harmful to highway safety for all users on Cotswold Lane and would be in conflict with Policy DM1 of the South Tyneside Local Development Framework Development Management Policies (2011) (DMP). Amongst other things, this policy requires development to have an acceptable impact in relation to highway safety.

Other Matters

12. The appeal site is located within the zone of influence of the Durham Coast Special Area of Conservation and Northumbria Coast Special Protection Area/Ramsar site, afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations) in recognition of the significance of their ecological features. The Regulations require that permission may only be granted after having ascertained that the development would not affect the integrity of a designated habitat. However, as the scheme is unacceptable for other reasons, it is not necessary for me to consider the implications of the proposal upon the protected sites.

Planning Balance

13. I have found that the proposal would be harmful to highway safety, in conflict with DMP Policy DM1. I attach significant weight to this harm.
14. The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is therefore correct to apply the presumption in favour of sustainable development set out in Framework paragraph 11 d) ii. The Council confirm that the latest available housing land supply position is 3.1 years or 1,232 dwellings. This is based on local housing need derived from a previous iteration of the standard method, as the development plan is more than five years old.
15. The area's latest Housing Delivery Test (HDT) score was 60% and the previous score was 72%. There have also been changes to the standard method calculations set out in the current national planning practice guidance. Furthermore, the Minister of State for Housing and Planning has recently written to the Council, exercising the secretary of state's powers of intervention directing the Council to submit their Regulation 19 Local Plan for examination. In that letter the Minister sets out that South Tyneside has one of the oldest local plans in the country and has consistently fallen below its annual housing delivery target in recent years despite having a relatively low local housing need (309 dwellings per annum based on the previous standard method).
16. Thus, at best the Council has a 3.1 year supply, and this is the only figure I have. However, taking the above into account, this figure is unlikely to be precise, and the exact housing land supply position is unknown. The latest HDT, changes to the standard method and the recent letter from the Minister strongly indicate that the

housing supply position is likely to be worse than 3.1 years, resulting in the need for more housing.

17. In this context, the proposal would deliver a well-designed home in an accessible location and make effective use of land. In doing so it would help to address the shortfall of housing. Taking account of the scale of the proposal, although there is considerable support for new housing, the benefits in terms of the overall position would be limited. I therefore give these social benefits moderate positive weight. There are also likely to be modest, time-limited economic benefits from the construction stage. There would be no provision for affordable housing.
18. The provisions of the Framework seek to deliver both a sufficient supply of homes and places that are safe which minimise the scope for conflicts between pedestrians and vehicles, and achieve safe and suitable access for all users. The creation of high-quality places is fundamental to what the planning and development process should achieve however as explained under the main issue, that would not be the case for the appeal scheme.
19. The proposal would result in some benefits, but it would also cause harm. Weighing the two up is a matter of planning judgement. In this case, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole and in having particular regard to the key policies listed in Framework Footnote 9.

Conclusion

20. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations, including the Framework that indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR