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## Appeal Decision

Site visit made on 26 November 2019

**by John Dowsett MA DipURP DipUD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10<sup>th</sup> March 2020**

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**Appeal Ref: APP/H4505/D/18/3205373**

**59A Derwent Water Drive, Blaydon NE21 4FJ**

- 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 Christopher Annan against the decision of Gateshead Council.
  - The application Ref: DC/18/00290/HHA, dated 25 March 2018, was refused by notice dated 19 June 2018.
  - The development proposed is described as "Creating a driveway for vehicular access, off road parking".
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this appeal are:
  - The effect of the proposed development on highway safety on the vicinity of the appeal site; and
  - The effect of the proposed development on the character and appearance of the area.

### Reasons

#### *Highway safety*

3. Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2015 (CSUCP) seeks to ensure, among other matters, that new development provides for direct, safe, secure and continuous pedestrian and cycling links. In respect of the detailed design of driveways, the Gateshead Council Household Alterations and Extensions Supplementary Planning Document 2011 (the SPD) states that driveways should be a minimum of 5 metres in length.
4. Whilst the reason for refusal also references CSUCP Policy CS14, the assessment in the Planning Officer's report does not refer to this policy. The policy itself relates to wellbeing and health and does not make mention of highway safety. Consequently, I consider that it is not relevant to this issue.
5. It is common ground that the proposed new driveway would be 4.14 metres long. This would not comply with the guidance in the SPD. Due to the short length of the proposed driveway, a vehicle parked on it would not be fully clear

of the carriageway which, at this point, is a shared surface with no footways. Although the carriageway of Derwent Water Drive is wide enough to allow two vehicles to pass, were this to be obstructed, two way vehicle movements would be impeded, and pedestrians would be forced further into the carriageway, increasing the potential for conflict with vehicular road users. The SPD is guidance rather than being prescriptive, however, it is nonetheless an adopted policy document and a material consideration to which weight must be given. It is well established that the provision of driveways should not result in vehicles overhanging or encroaching on the carriageway when the driveway is in use. The proposal would, therefore, have an adverse effect on the safe operation of the highway in the vicinity of the appeal site.

6. I have noted that the appellant states that his vehicle is parked on the highway adjacent to the property, and I accept that there are no parking restrictions on the highway at this point. Nevertheless, this is not a formal parking place and the effect of the appeal proposal would be to formalise this obstruction of the carriageway. I also saw when I visited the site that there is provision within the development for parking vehicles in areas where the carriageway would not be obstructed.
7. I have also had regard to the appellant's point that there is an existing pathway that provides access to the side and rear of the property which would have the effect of adding a further approximately 1.19 metres clearance. There is no information that would indicate that this path is of a suitable construction to support the additional weight of a vehicle without being subject further works. In addition, parking a vehicle over this path would impede access to the side and rear of the property. Neither of the above points would overcome the fact that the proposed driveway is of insufficient length.
8. The appellant has suggested that the scheme could be amended to omit the path and provide a greater length of tarmac surfaced driveway. This option was not before the Council when the application was determined and, as this appeal is following the procedure for householder appeals, the Council has not had the opportunity to comment on this suggestion. It is not the purpose of the appeal system to refine the scheme in order to overcome objections to it and the appeal should be determined based on the same plans that were considered by Council. In this context, I cannot accept the suggested revision to the scheme and will not consider the merits of this.
9. I therefore conclude that the proposed development would cause harm to highway safety in the vicinity of the appeal site. It would not comply with the relevant requirements of CSUCP Policy CS13 or the SPD.

#### *Character and appearance*

10. Policy CS15 of the CSUCP seeks to ensure that new development results in a high quality design that has regard to its context. Policy ENV3 of the Gateshead Unitary Development Plan 2007 (the UDP) expects new development to make a positive contribution to the character of an area and that the relationship between buildings should be handled in a sensitive manner.
11. The appeal building is located on a modern housing estate in a street comprised of closely spaced detached and semi-detached, two storey, houses, set back from the carriageway edge to accommodate a small garden area and

parking to the front. The estate has an open plan character with no enclosure to the frontages. The appeal building is located on a section of road where there is a shared surface carriageway rather than a carriageway with separate footways. The appeal building is one half of a pair of semi-detached houses that have an integral garage centrally placed in the building with paired driveways to the front. The remainder of each house frontage of the pair consists of an access path and a small grassed area. Some properties within the estate have the entire frontage given over to hardstanding, however, from my observations of the estate as a whole, these are most likely subsequent alterations replacing the small garden areas that are seen at other houses in the same street.

12. Due to the open plan nature of the estate, the front garden areas provide a delineation between the houses and the highway and provide structure to the street scene in the absence of enclosure to the frontages. They also provide an element of greenery to a closely spaced development where open space has been concentrated into a larger central area, that lies to the north, and along the banks of the River Tyne, with little or no incidental open areas or soft landscaping in other parts of the development.
13. My attention has been drawn to several other properties in the area where it is stated that additional or extended hardstandings have been constructed and I was able to see these when I visited the site. I do not have the full details of these, or the circumstances that led to them being provided and so I cannot be certain that the circumstances are the same as the case now before me. In any event each planning application and appeal must be decided on its own merits. This notwithstanding, from what I observed during my site visit, the provision of additional hardstanding areas at closely spaced houses with relatively narrow frontages has resulted in the property frontages becoming dominated by parked vehicles and a diminution in the extent of greenery and landscaped frontages within a development that has little in the way of incidental landscaping outside of private front garden areas. This has a detrimental effect on the street scene and is not the type of development that should be used as a reason to allow similar works at the appeal site.
14. The loss of the grassed area to the frontage of the appeal building would undermine the demarcation between the highway and the buildings and reduce the already small amount of greenery within the street scene. This would be detrimental to the character and appearance of the area and would exacerbate the effect caused by those properties where the frontages are already given over largely or entirely to hardstanding.
15. I therefore conclude that the proposed development would cause harm to the character and appearance of the area. It would not comply with the relevant requirements of CSUCP Policy CS15 or Saved Policy ENV3 of the UDP.

## **Conclusion**

16. Section 38(6) of the of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise. I have found that the appeal proposal would cause harm to highway safety in the vicinity of the appeal site and to the character and appearance of the area. As such it does not comply with the requirements of the Development Plan and no material considerations have been identified that

would justify granting planning permission for a development that is not in accordance with the relevant planning policies.

17. For the above reasons, I conclude that the appeal should be dismissed.

*John Dowsett*

INSPECTOR