

Application Reference: 2025/0337

Location: 79 Barnsley Road, Dodworth, Barnsley, S75 3JS.

Introduction

This application seeks planning permission for the retention of sliding metal gates in the gap of the front boundary wall approved under application 2024/0645.

Relevant Site Characteristics

This application relates to a relatively small plot located on the west side of Barnsley Road near the junction with Mitchelson Avenue and in an area that is principally residential characterised by two-storey dwellings of a similar scale and appearance. Dodworth Primary School is located to the east of and opposite the development site. There is a bus stop opposite the development site and existing 'no stopping' on-street parking restrictions to the south along Dodworth Road. The development site is located approximately 35 metres to the south-west with Welfare View and Mitchelson Avenue.

The property in question is a two-storey end-of-terrace dwelling constructed of brick with a pitched roof with grey roof tiles. The property features a ground floor flat roofed bay window to the front and is bounded by varying hard surfaces to the front, side and rear. The application site is bounded by timber fencing to the sides, a low brick wall to the rear and a larger brick wall with composite panel infills to the front. There is a large sliding gate to the front. The development site is accessed by an existing dropped kerb off Barnsley Road. There is a street lighting column to the front of the sliding gate.

Site History

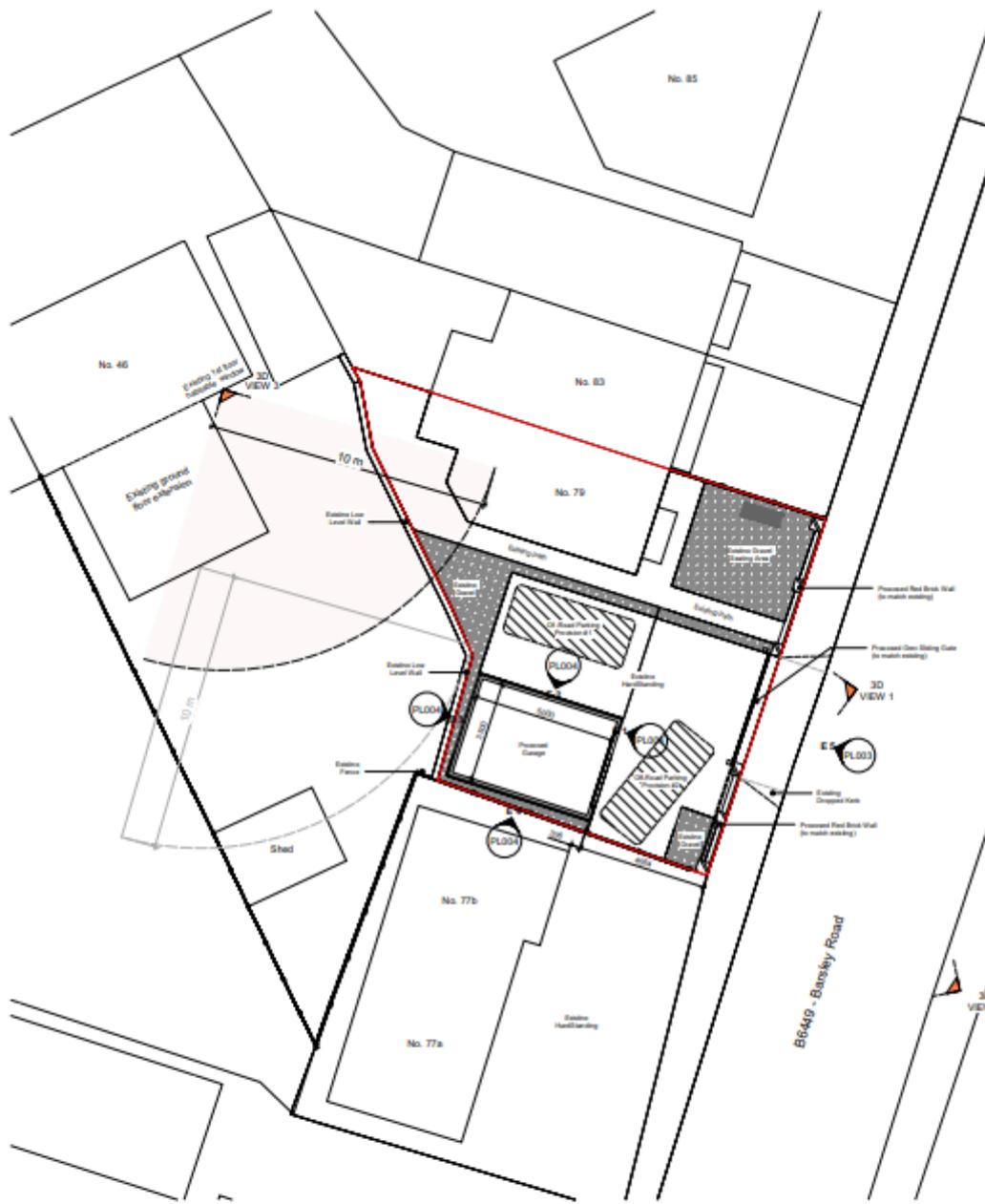
2023/0266	Erection of detached double garage to side/front of dwelling.	Refused.
2024/0645	Erection of detached garage and 1.7-metre-high boundary wall (Amended Plans and Description).	Approved.

Detailed Description of Proposed Works

Under application 2024/0645 the erection of a 1.7-metre-high gate was removed from the proposal during the application process due to highway safety concerns in relation to the potential of waiting vehicles that could cause an obstruction to vehicles and pedestrians, which is compounded by a bus stop immediately opposite and parking restrictions in place due to a school. Subsequently, planning permission was granted without the gate.

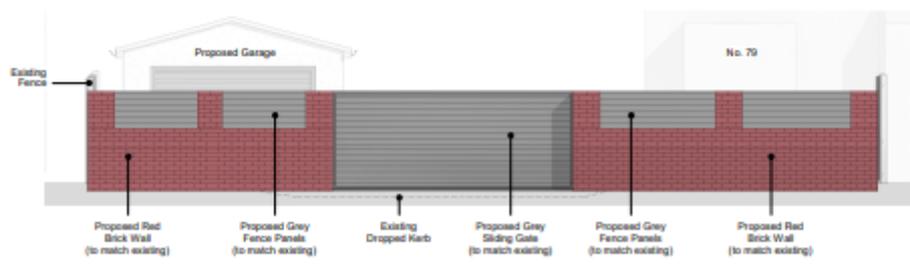
A 1.7-metre-high sliding gate was erected without planning permission and complaints were made to the Council's Planning Enforcement team who contacted the Applicant. Following this contact, a retrospective planning application was submitted for consideration.

This application seeks planning permission for the retention of sliding metal gates in the gap of the front boundary wall approved under application 2024/0645. The gate measures approximately 1.7-metres-high and is grey in colour.



Proposed Site Plan

1: 100



Elevation 5: West Proposed Wall

1: 50

2	May 2024	Changes indicated in order to meet council's requirements and proposed external wall added to application.	T.S.	T.S.
1	Feb 2024	Final issue	T.S.	T.S.
Rev	Date	Description	By	CHK

Planning	
owner	Mr John Mee
address	79 Baresky Road, S71 3J5
title	Proposed Site Plan
application number	T.A. - 801 - 22 - DR - A - PL002
date of application	2

Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

The Local Plan review was approved at a full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering on its objectives. This means, no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review, which is due to take place in 2027, or earlier, if circumstances require it.

The development site is allocated as urban fabric within the adopted Local Plan which has no specific allocation. The following Local Plan policies are relevant in this case:

- *Policy SD1: Presumption in favour of Sustainable Development.*
- *Policy T4: New Development and Transport Safety.*
- *Policy D1: High quality design and place making.*
- *Policy GD1: General Development.*

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, the Government published a revised NPPF which is the most recent revision of the original Framework, first published in 2012 and updated several times, providing the overarching planning framework for England. The NPPF sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. The revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). There are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The following NPPF sections are relevant in this case:

- *Section 2: Achieving sustainable development.*
- *Section 4: Decision-making.*
- *Section 12: Achieving well designed places.*

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take this guidance into account when taking decisions.

Supplementary Planning Guidance

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty-eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The following SPDs are relevant in this case:

- *House extensions and other domestic alterations (Adopted March 2024).*
- *Walls and Fences (Adopted May 2019).*
- *Parking (Adopted November 2019).*

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

Consultations

This planning application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended).

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website. One objection was received from one address with the concerns raised summarised below:

- There have been occasions of near misses due to reversing out of the development site.
- Lack of visibility when egressing the development site which poses a risk to children and families walking to and from the nearby school.
- Access to and egress from the development site causes queuing traffic due to waiting for the gates to open.

Highways Development Control	<i>Objection.</i>
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Planning Assessment

For the purposes of considering the balance in this application, the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of Development

Extensions and alterations to a dwelling are acceptable in principle if the development would remain subservient and would be of a scale and design which would be appropriate to the host property and would not be detrimental to the amenity afforded to adjacent properties, including visual amenity and highway safety.

Impact on Highways

This application relates to a relatively small plot located on the west side of Barnsley Road near the junction with Mitchelson Avenue and Welfare View and within an area that is principally residential. Dodworth Primary School is located to the east of and opposite the development site. There is a bus stop also opposite the development site and existing 'no stopping' on-street parking restrictions to the south. The development site is located approximately 35 metres to the south-west with Welfare View and Mitchelson Avenue.

This application was submitted retrospectively following complaints to Planning Enforcement that a 1.7-metre-high gate had been installed without planning permission. The same gate was proposed under application 2024/0645 before being removed due to highway safety concerns in relation to the potential of waiting vehicles that could cause an obstruction to other vehicles and pedestrians, which is compounded by a bus stop immediately opposite and parking restrictions in place due to a school. Subsequently, planning permission was granted without the gate.

It is acknowledged that a gate on the front boundary of the development site could be erected up to one-metre-high without planning permission under Class A, Part 2 of Schedule 2 of the GPDO, but the proposal under consideration exceeds the permitted limits and must therefore, be considered against adopted local planning policies and guidance.

The Applicant has put forward a case for the retention of the sliding gate within a submitted Planning Statement. It states that 'Google Maps imagery clearly shows vehicles parked or waiting on the road. The applicant could easily pull up on the other side of the road to the school parking zone and bus stop, while the proposed gates are opening. The carriageway is sufficiently wide that two vehicles would be able to pass (in each direction) while a car pulls up so that the gates can be opened or closed. As such, it would be unlikely that a vehicle pulled up at the side of the road would result in any undue hindrance to the safe and efficient use of the carriageway. The zone restricted for the school is only likely to be used at the start and end of the school day. Otherwise, it is likely to be unoccupied (including at all times at the weekends and during school holidays). The applicant does not enter or exit the site during school times. As such, it is unlikely that the retention of the gates would result in any obstruction of the school parking zone or adverse effects on the free flow of traffic on the highway and there are vehicular gates around the corner and up the road from the site. Additionally, the gates would be remotely controlled electric gates which would open automatically upon arrival (and close) to enable any vehicles to enter and exit without having to stop.'

The Applicant has suggested that the requirement for the gates to be electronically and remotely controlled could be secured by a planning condition.

Highways Development Control were consulted, who stated there were concerns with the proposal in terms of highway safety as the gates should be set back by a minimum distance of 5 metres from the edge of the public highway to ensure that vehicles are able to pull clear of the adopted highway and avoid becoming an obstruction to approaching vehicles and pedestrians. Vehicles entering the site cannot park directly opposite due to the presence of a bus stop, and while the submitted statement suggests that the applicant could park on the site side of the road, it is unclear whether a vehicle would then be able to enter the site from this angle of approach, especially due to the restricted access width because of the presence of a street lighting column within the area of entry. It is noted that the supporting statement states that the gate would be electronically operated and remotely controlled, allowing it to be opened upon approach and enabling entry without stopping. However, a situation could arise whereby the gates fail to operate as expected, which has the potential to cause confusion for road users. Consequently, the proposal is viewed unfavourably from a highway perspective and is considered prejudicial to highway safety and efficient, contrary to Local Plan Policy T4. The LPA has no reason to disagree with the concerns raised in this instance.

Whilst the Applicant has suggested that the requirement for the gates to be electronically operated and remotely controlled could be secured by a planning condition, such a condition is not considered to meet the relevant tests set out by paragraph 57 of the NPPF.

Considering the above, this is considered to weigh significantly against the proposal.

The proposal is therefore considered contrary to Local Plan Policy T4: New Development and Transport Safety and is considered unacceptable regarding highway safety.

Scale, Design and Impact on Character

It is not considered that the proposal would alter or detract from the character of the street scene or application property significantly, especially in the context of the approved scheme under application 2024/0645.

Considering the above, this is considered to weigh modestly in favour of the proposal.

The proposal is therefore considered to comply with Local Plan Policy D1: High Quality Design and Placemaking and is considered acceptable regarding visual amenity. Nevertheless, a proposal that is considered acceptable regarding visual amenity does not justify the approval of a scheme that is considered unacceptable regarding highway safety.

Impact on Neighbouring Amenity

It is not considered that the proposal would contribute to significant overshadowing, overlooking and loss of privacy, or reduced outlook impacts which may otherwise adversely affect the amenity of the occupants of the application and neighbouring properties.

Considering the above, this is considered to weigh modestly in favour of the proposal.

The proposal is therefore considered to comply with Local Plan Policy GD1: General Development and is considered acceptable regarding residential amenity. Nevertheless, a proposal that is considered acceptable regarding residential amenity does not justify the approval of a scheme that is considered unacceptable regarding highway safety.

Planning Balance and Conclusion

In accordance with the provision of paragraph 11 of the NPPF (2024), the proposal is considered in the context of the presumption in favour of sustainable development and therefore, for the reasons given above, and taking all other matters into consideration, whilst the proposal complies with the relevant local and national planning policies and guidance regarding visual and residential amenity, and the principle of development is acceptable, which weighs modestly in favour of the proposal, the reasons in favour of the proposal do not outweigh those against it in this instance, and the proposal is considered unacceptable regarding highway safety, which is attributed significant weight against the proposal and as such, planning permission should be refused.

RECOMMENDATION: Refuse.

Justification

Statement of compliance with Article 35 of the Town and Country Development Management Procedure Order 2015.

In dealing with the application referred to above, despite the Local Planning Authority wanting to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, in this instance this has not been possible due to the reasons mentioned above.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering representations, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.