



Appeal Decision

Site visit made on 10 June 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Appeal Ref: APP/R4408/W/25/3361966

113 High Street, Dodworth, Barnsley, South Yorkshire S75 3RQ

- 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 Miss Robyn Dickinson against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref is 2024/0548.
 - The development proposed is extension of an existing dropped kerb and the conversion of a front garden into a gated driveway.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit, the front boundary stone wall had been removed, and timber gates had been erected. While the development has commenced, this weighs neither for nor against the proposal, which I have determined on the basis of the submitted plans.

Main Issue

3. The main issue is the effect of the proposal on highway safety.

Reasons

4. 113 High Street is a semi-detached dwelling located on the B6099 High Street. The property has a modest garden to the front that is separated from the road by a narrow footway. The development seeks to extend the dropped kerb to the adjacent property, across the frontage of the appeal property, and remove the front boundary wall and replace it with gates, to provide a vehicle driveway to the front garden area.
5. The appeal property is approached along the nearside carriageway from a bend in the road and follows a notable downhill gradient. Beyond the bend in the road, and past the appeal property, the road straightens and continues downhill. The road has a 30mph speed limit and no on-street parking restrictions apply. Visibility along the highway from the appeal site is therefore constrained by the road layout.
6. At my site visit I noted vehicles parked on the roadside opposite the appeal property and nearby on the same side of the road. Vehicles parked on the opposite side of the road require traffic travelling along the offside carriageway to move closer to or cross the centre white line. In addition, vehicles parked on the same side of the road and before the appeal property restrict visibility between the

site and oncoming road users and also require oncoming vehicles to move closer to or cross the centre white line.

7. The size of the front garden area to the appeal property would not provide adequate space to allow a vehicle to manoeuvre within its boundaries to enter and exit in a forward direction. Therefore, vehicles would have to either reverse onto the proposed driveway, to exit in a forward gear, or reverse from the driveway onto the highway. Vehicles parked on the opposite side of the road would make manoeuvring onto and from the driveway more difficult. Furthermore, the proposed gates, while opening into the appeal property, would require a vehicle to stop on the highway to open them before manoeuvring onto the driveway.
8. Therefore, the proposal would result in oncoming vehicles, in both directions, having to contend with vehicles manoeuvring slowly onto or off the appeal property. As such, vehicles using the proposed driveway would increase incidents of other highway users having to slow rapidly or stop suddenly, particularly those travelling downhill, after the bend in the road and those users already negotiating vehicles parked on the roadside. As a matter of my planning judgement, the proposed development would result in greatly increased risk of conflict between road users and, thereby, substantially compromise highway safety.
9. Paragraph 115(b) of the National Planning Policy Framework requires development provide safe and suitable access for all users, and paragraph 116 states that development should be refused if there would be an unacceptable impact on highway safety. The consideration of cumulative impacts on highway safety following mitigation, as none has been proposed, has no bearing on my assessment.
10. Having considered all the evidence, including the recommendations of the local Highway Authority and observations made during my site visit, I conclude that the proposed development would result in an unacceptable effect on highway safety. In this regard, the development would conflict with Policy T4 of the Barnsley Metropolitan Borough Council Local Plan, January 2019, which requires development provide safe and convenient access and movement.

Other Matters

11. The appellant refers to two examples of planning permission granted by the Council for vehicle access to properties from classified roads where the minimum standards for visibility splays have not been met or the gate has not been set back from the highway. The local Highway Authority advise that decisions were justified by their local context, including the proximity to neighbouring accesses.
12. In this case, the Council, in their decision and in the Council Officer's report, do not refer to a failure to meet the minimum standards for visibility splays. As such, I do not consider the Council has taken an inconsistent and flexible approach to the application of policies. Moreover, I have determined the appeal proposal on its merits against the requirements of the development plan.
13. I acknowledge that the proposed driveway would enable the appellant to charge an electric vehicle at home and would increase security for vehicles and their contents. While I have taken the small environmental benefit associated with the use of an electric vehicle and personal benefits with regard to security into account, these would not outweigh the conflict with the development plan.

14. An access and parking space exists to the rear of the property. The appellant considers this access to be insufficiently wide for a larger car to use. They also consider that manoeuvring a vehicle to park to the rear of the property would result in risk to children living at the property. Moreover, they argue that parking a family car on the proposed driveway would reduce risk to them and their children arising from parking on the road, and particularly on the opposite side.
15. I have found that the development would result in unacceptable harm to highway safety, and I attach substantial weight to this finding. That children are among the users of the highway reinforces my concerns that the proposed development would not be acceptable.
16. Therefore, while I acknowledge the appellant's opinion that the proposed development would reduce risk to children occupying the property, I find that, with due regard to the Public Sector Equality Duty (PSED) set out under s149 of the Equality Act 2010, the risks caused by the proposed development outweigh its benefits in terms of eliminating discrimination against persons with the protected characteristic of age, advancing equality of opportunity for those persons and fostering good relations between them and others. As such, I conclude that it is proportionate and necessary to dismiss the appeal.

Conclusion

17. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude the appeal should be dismissed.

C Mayes

INSPECTOR