The Planning Inspectorate

Appeal Decision

Site Visit made on 1 June 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th June 2021

Appeal Ref: APP/R4408/W/21/3269633
28 Bridge Street, Penistone, Barnsley S36 6AJ

- 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 Outram against the decision of Barnsley Metropolitan Borough Council.
- The application Ref 2020/0762, dated 17 November 2020, was refused by notice dated 26 January 2021.
- The development proposed is described as "lowering the kerb outside our house to allow parking onsite".

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the safe and efficient use of the highway.

Reasons

3. The appeal property is a semi-detached 2 storey dwelling facing onto Bridge Street. Bridge Street appears to be a busy road and is one of the main routes to/from Penistone to the north. The appeal property lies on a bend on Bridge Street as it slopes quite steeply upwards from its junction with the A628 towards the town centre. There appears to be no parking restrictions on the highway in the vicinity of the appeal property. A short stretch of low wall with a stone pillar at one end runs across part of the front boundary of the appeal property. The front garden area is hard surfaced with block paving. The proposed development would provide for a dropped kerb to enable access across the pavement for a car to be parked within the hard surfaced area to the front of the dwelling.

4. I have no reason to question the ability of the appellant to park their car within the hard surfaced area although I understand that this area would be less than the dimensions considered necessary by the Council for a parking space. However, if permission is granted, it would continue for future occupiers and would therefore be capable of being used by a wide range of car sizes. It would not be enforceable to restrict the parking to a car of only certain dimensions.

5. Given the busy nature of the road and the location of the appeal property on a bend I am concerned that the accessing or egressing of a car from the appeal property, particularly if reversing in or out and at an angle, would not provide for safe access. Reversing into the hard surfaced area would require vehicles to slow, stop and turn off the road in reverse gear over the pavement. Driver visibility would be limited if reversing out of the area into the road. This would be detrimental to the free flow of traffic and would be hazardous to other road users and pedestrians using the pavement, creating an unacceptable risk of conflict between the vehicle exiting the site and pedestrians crossing the vehicular crossing.

6. I have taken account of the visibility in both directions, but am still of the view that the proposed development would lead to an increased hazard for other road users on Bridge Street and for pedestrians, as well as adversely affecting the free flow of traffic. The increased hazard would represent an unacceptable impact on highway safety.

7. Consequently, I conclude that the proposed development would cause significant harm to the safe and efficient use of the highway and would therefore conflict with Policy T4 of the Barnsley Local Plan 2019, which requires development to provide all transport users with safe, secure and convenient access and movement.

8. I have been made aware of other off street parking arrangements in the vicinity of the appeal property. There are no details before me as to whether these other dropped kerbs have been granted planning permission. Furthermore, I have determined this appeal on its own merits, and the presence of other dropped kerbs does not provide a justification for the harm that would result from the proposed development.

9. The appellant considers that parking on Bridge Street or making use of the hard standing area to the front of the appeal property without the dropped kerb would not be safe. I did not observe occurrences of highway safety issues or a significant disruption to traffic flow as a result of existing parked vehicles on Bridge Street. Whilst my site visit was only a snap shot in time, there is also no substantive evidence before me to demonstrate that parked vehicles have caused accidents or obstructions. Accessing the hard surfaced area over a raised kerb would not be significantly different to the proposed development in terms of the concerns that I have identified. I give these scenarios limited weight and they do not outweigh the harm that I have identified.

Other Matters

10. The appeal property lies within the Penistone Conservation Area (the Conservation Area). The proposed development would involve the dropping of a number of kerbstones. This would represent a small visual change that would preserve the character and appearance of the Conservation Area and would not harm its significance as a designated heritage asset. This does not affect my conclusion on the main issue.

Conclusion

11. The proposed development would harm the safe and efficient use of the highway and would conflict with the development plan taken as a whole. There are no material considerations that indicate that the decision should be made

other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR