
2024/0286**Applicant:** Mr W Brammer**Address:** 12 Highfield Cottages, Silkstone Lane, Silkstone, Barnsley, S75 4JY**Description:** Installation of Dropped Kerb

Site & Location Description:

Located on Silkstone Road, a classified road, in the village of Silkstone, a row of five terrace blocks makes up Highfields Cottages. The application dwelling is an end terrace, cottage style house, constructed of coursed stone and features an unusual, tiled, cross gable style roof. In common with most of the terrace blocks of Highfields cottages, the application dwelling is set back from Silkstone Road, approximately 14m for this dwelling, and is also set lower than the road, with a front garden sloping down from the road. Being an end terrace, the garden has a larger width than some of the other mid terrace houses. Where the adjacent dwelling of No.13 features a narrow driveway, leading down and to the side of their dwelling, the application dwelling does not.

**Planning History: None****Pre-Application Enquiry**

A Pre-application enquiry 2024-ENQ-00071, was applied for in relation to this subsequent application. Advice was given that a planning application for the proposed dropped kerb and driveway would in this instance be required, due to a Silkstone Road being a classified road. The boundary wall was mentioned as being removed, which was advised would be a shame, as it is a nice stone wall, but other dwellings on the street had done similar. Additionally, it was explained that a dropped kerb licence would be required from the council, along with Highways approval. Finally, as the pre application queried a car port, this was confirmed that it may be possible under permitted development (subject to the allowances of permitted development), but the car port would have to be located behind the front elevation of the house, for example at the side or rear of the dwelling.

Proposed: The proposal is for a dropped kerb of approximately 6.5m wide, removal of an existing front boundary wall, with its relocation to a position further setback within the garden, and construction of a hard standing driveway.

Approximate Measurements:

The measurements provided within the application suggest an approximate parking area of 7m in width, with a depth of approximately 5m. Due to a telegraph pole outside of the dwelling's curtilage, the proposed dropped kerb and subsequent access to the driveway would be approximately 6.5m.

Local Plan Designation: Urban Fabric

Conservation Area: No

Neighbour Representations:

Letters were sent to nearby addresses; One objection was received from a resident of the street. Their objection was primarily focused upon concerns over highway safety of the street in general, but also alleged a high volume of vehicles parked on the road by the application dwelling.

Consultees:

Highways DC: Highways recognised the lack of turning space within the proposal, but equally recognised that other address within the street have existing driveways which also do not include turning space, which have consequently set a precedent for the area. As such, subject to conditions to be attached to any decision, there is no objection from highways.

Highways DC Drainage: It was confirmed that there is no objection to the proposal from Highways DC Drainage.

Silkstone Parish Council: No comments or objection received.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting on 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering 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. The next review is due to take place in 2027 or earlier if circumstances, require it.

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved

unless material considerations indicate otherwise. Where the development plan is absent, silent, or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

In respect of this application, relevant policies include:

Section 12: Achieving well-designed and beautiful places -

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Within section 12, paragraph 139 is the most relevant which indicates:-

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Local Plan

In reference to this application, the following Local Plan policies are relevant:

GD1 - General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

SD1: Presumption in favour of Sustainable Development: When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

D1 - High Quality Design and Place Making: Development is expected to be of a high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

T4 – New Development & Highway Safety: New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

The Town and Country Planning (General Permitted Development) (England) Order 2015

Class F – hard surfaces incidental to the enjoyment of a dwellinghouse

Permitted development

Development consisting of—

- (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or
- (b) the replacement in whole or in part of such a surface.

Development not permitted

Development is not permitted by Class F if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use); or
- (b) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

Conditions

Development is permitted by Class F subject to the condition that where—

- (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and
 - (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,
- either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Supplementary Planning Documents (SPD)

House Extensions and Other Domestic Extensions

Walls and Fences

Assessment

Principle of development

The site is located within land designated as Urban Fabric. Extensions or other alterations to residential properties or works in their curtilage are considered acceptable where they do not have a detrimental impact on the amenity of surrounding residents, visual amenity or on highway safety.

Residential Amenity

If the application address was not on a classified road, then the proposal would be allowed to be completed under Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, subject to meeting the conditions within the legislation. Additionally, as has it

appeared already achieved in this instance; a licensee would be required to cross the highway (footpath) and for works in relation to works to 'drop the kerb'.

As the application address is located on a classified road, planning consent is required. With no objections from the Highways DC or Highways Drainage departments, there would be little grounds for refusal of the application. In assessment of the residential amenity of neighbouring dwellings, whilst the objection made by a neighbour has been considered, the applicant or the address is not responsible for any issues around highway safety within the area, unless the development would have a negative impact on such, which it has been deemed it would not. Conversely the objection raised concerns about on street parking causing issues, and the alleged, and unconfirmed number of vehicles parked on the street by the applicant's address; the proposed driveway would provide parking to highways standards of at least two vehicles and depend on their size possibly three. Such a reduction should therefore be seen as a positive rather than a negative, with at least two vehicles being removed from on street parking.

Visual Amenity

As mentioned in the pre-application advice, the wall is a nice stone wall and whilst its loss is unfortunate, planning permission is not required to remove the wall. It is also acknowledged that parking provision on a busy street would be more practical than an aesthetically pleasing wall. In the proposed plans, the wall is proposed to be relocated further within the garden, which would help mitigate the loss of the wall at the front boundary, especially when the parking space is vacant.

Highway Safety

Following assessment from Highways DC and Highways Drainage, there has been no objection or indication of concerns in relation to highway safety. Furthermore, it would appear that Street Works have approved the application for the dropped kerb and are waiting for confirmation of planning consent before works can start.

Recommendation: Approve with conditions