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2024/0548

Miss Robyn Dickinson

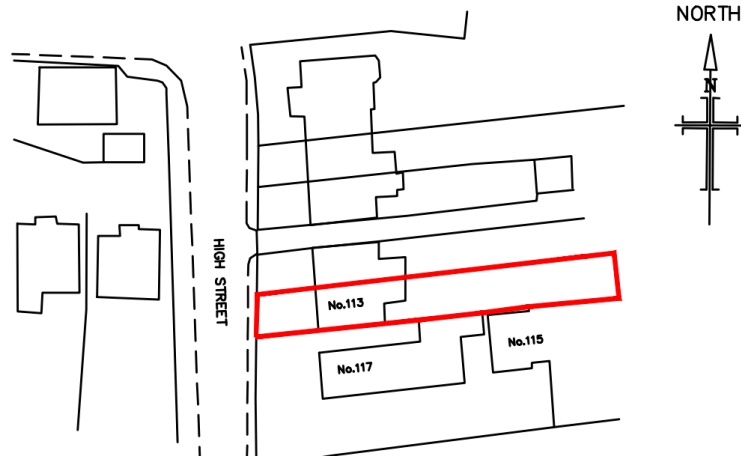
113 High Street, Dodworth, Barnsley, S75 3RQ

**Formation of extension to an already established dropped kerb and new vehicular driveway.**

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### Site Description

The application site is on the east side of High Street, Dodworth – a classified highway (B6099) with a speed limit of 30mph. The highway has a notable gradient which falls gradually in a general north-west to south-east direction and curves to north and south of the application site. The northern curve is the closest to the application site and begins approximately 29 metres to the north of the northern boundary of the application site and opposite the junction with Delf Garth – a nearby residential cul-de-sac. From this junction the highway adopts a straight alignment which extends for approximately 134 metres to the south before curving to the south-east and becoming Keresforth Road. Located to the north of the application site and between 109 High Street and 111 High Street is an existing access track served by an existing dropped kerb. This access track leads to an area of hardstanding to the east of the rear curtilages of 109, 111 and 113 High Street. Located to the south of the application site is an area of hardstanding between the west-facing elevation of 117 High Street and the highway. This area of hardstanding services a residential dwelling and commercial garage and is served by an existing dropped kerb. An existing streetlight abuts the western boundary treatment. The application property is a two-storey semi-detached dwelling that is fronted by a modest garden bounded by low-built walls. A larger garden is located to the rear bounded by timber fencing. Beyond the eastern fence line is an existing hard surfaced area utilised for off-street parking.



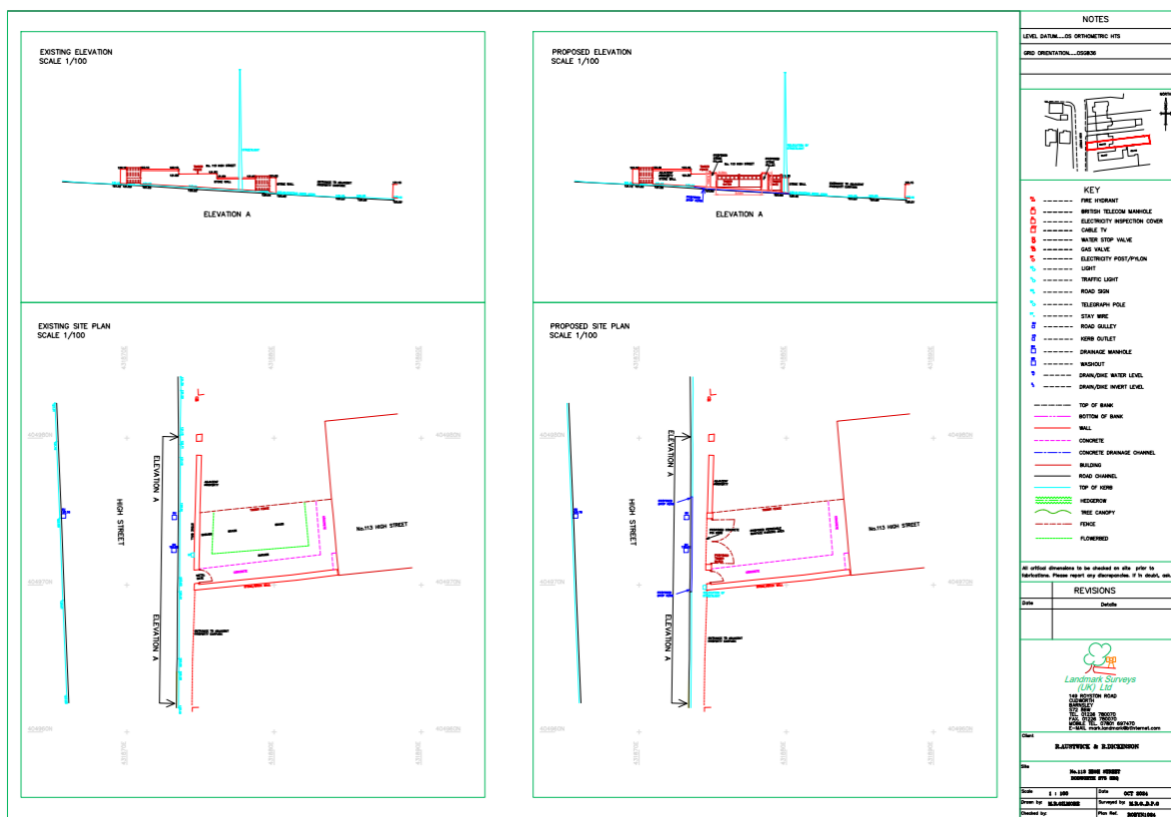
# Planning History

There is one previous planning application associated with this site.

1. 2019/1413 – Erection of first floor rear extension on both dwellings. – Approved.

# Proposed Development

The applicant is seeking permission for the formation of an extension to an established dropped kerb and the formation of a new vehicular driveway. Associated works would involve alterations to the existing western boundary treatment to form stone pillars with timber gates. The existing front garden would become a permeable surface parking area.



## **Policy Context**

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (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 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 which are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 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.

### Local Plan Allocation – Urban Fabric

The site is allocated as urban fabric in the adopted Local Plan which has no specific land allocation. Therefore, the following policies are relevant:

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

### Supplementary Planning Document(s)

- ***House Extensions and Other Domestic Alterations.***
- ***Parking.***

### National Planning Policy Framework

The NPPF sets out the Government's planning policies and how these are expected to be applied. The core of this is a presumption in favour of sustainable development. Proposals that align with the Local Plan should be approved unless material considerations indicate otherwise. In respect of this application, relevant policies include:

- ***Section 9: Promoting sustainable transport.***

*Paragraph 115. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

- ***Section 12: Achieving well-designed and beautiful places.***

### Other Material Considerations

- ***South Yorkshire Residential Design Guide 2011.***

## Consultations

Local Ward Councillors	No responses.
Highways Development Control	<p>The subject property is located within the village of Dodworth, along High Street, a classified route.</p> <p>After reviewing the proposal, I regret to inform you that I cannot support it in its current form. Although I appreciate the applicant's reasoning for establishing a vehicular access, there are several issues preventing the proposal from meeting the necessary standards for such developments on classified roads.</p> <p>One of the primary requirements for a new vehicular access from a classified road is that the site must provide adequate space within its boundaries to allow vehicles to turn and both enter and exit in a forward direction. Unfortunately, the proposed layout does not meet this criterion. In addition, where gated access is proposed, it must be positioned a minimum of 5 meters from the edge of the carriageway to prevent obstruction of the highway. The proposed placement does not meet this standard, potentially causing hazards for both vehicles and pedestrians.</p> <p>Furthermore, there appears to be a demand for on-street parking in the vicinity. While off-street parking may be acceptable in some comparable locations, in this case, the proposed access could negatively impact the availability of existing on-street parking. The alignment of High Street, combined with the potential presence of on-street parking, may also create visibility concerns for vehicles exiting the proposed driveway.</p> <p>I also note that there may be an existing access to the rear of the property. If so, I encourage the applicant to explore the possibility of utilising this rear access to accommodate parking, as this may provide a more practical solution.</p> <p>For the reasons outlined above, I am unable to support this application and offer my objections to the proposal.</p>

## Representations

Neighbour notification letters were sent to surrounding properties. A site notice was placed nearby, expiring 15<sup>th</sup> November 2024. No representations were received.

## Assessment

### Principle of Development

Planning permission is required for access onto and development upon a classified highway and permission will be granted where such development does not impinge upon highway safety.

Class F, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) sets out that development consisting of *'the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such'* is permitted development provided that the relevant criteria and conditions are complied with.

Class A, Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows development consisting of *'the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure'* to be implemented as permitted development if the relevant criteria and conditions are complied with.

Whilst the proposed alterations to the existing western boundary treatment and the formation of a vehicular driveway could be implemented under permitted development rights provided that all the relevant criteria and conditions are complied with, the application site is located on the east side of a classified highway and planning permission is required for an access onto a classified highway. It is unlawful to drive over a pavement to access a driveway without a dropped kerb. The proposed extension of an established dropped kerb and the formation of a vehicular driveway must therefore be considered in conjunction.

### Highway Safety

The application site is on the east side of High Street, Dodworth – a classified highway (B6099) with a speed limit of 30mph. The highway has a notable gradient which falls gradually in a general north-west to south-east direction and curves to north and south of the application site. The northern curve is the closest to the application site and begins approximately 29 metres to the north of the northern boundary of the application site and opposite the junction with Delf Garth – a nearby residential cul-de-sac. From this junction the highway adopts a straight alignment which extends for approximately 134 metres to the south before curving to the south-east and becoming Keresforth Road. Located to the north of the application site and between 109 High Street and 111 High Street is an existing access track served by an existing dropped kerb. This access track leads to an area of hardstanding to the east of the rear curtilages of 109, 111 and 113 High Street. Located to the south of the application site is an area of hardstanding between the west-facing elevation of 117 High Street and the highway. This area of hardstanding services a residential dwelling and commercial garage and is served by an existing dropped kerb. It is this dropped kerb that is proposed to be extended. An existing streetlight abutting the western boundary treatment of the application site would need to be relocated to facilitate the proposed development.

The applicant has submitted a project rationale in support of the application which states:

*"The rationale for wanting to create a driveway is threefold.*

*"The first reason stems from the lack of parking available outside of the house, and the fact that we have a young son. Currently we have to park across the road and walk across with our two-year-old child. When carrying things such as shopping etc, this can be a little scary at times as the road can be busy, and our son is too young to have real road sense. We are now expanding our family, and expecting a second child in May. I feel more than ever that crossing the road will become even more of a risk going forward. This is a worry that is impacting on our wellbeing, and we believe the safest*

option would be to be able to enter the drive and secure the gates behind us before releasing our children from the car.

*“We do have a single parking space around the back of the house; however, this is used by my partner Robbie for two reasons. Firstly, he is a brick-mason, and his van is full of tools. To leave his van on the street will leave him vulnerable to thieves. More importantly, the track to the parking space is very narrow and between two gable ends. In order to safely carry our growing family, we now have a Volkswagen Tiguan and I am unable to confidently fit this vehicle in between the gap.*

*“The final reason stems from our desire to reduce our carbon footprint and eventually invest in an electric vehicle. To be able to do this we will need to have a charging point on the driveway. Again, the ability to achieve this will require an extension to the already existing dropped kerb and the formation of a permeable parking space.”*

Highways Development Control were consulted on the application and an objection was made with the following response provided:

*“The subject property is located within the village of Dodworth, along High Street, a classified route.*

*“After reviewing the proposal, I regret to inform you that I cannot support it in its current form. Although I appreciate the applicant’s reasoning for establishing a vehicular access, there are several issues preventing the proposal from meeting the necessary standards for such developments on classified roads.*

*“One of the primary requirements for a new vehicular access from a classified road is that the site must provide adequate space within its boundaries to allow vehicles to turn and both enter and exit in a forward direction. Unfortunately, the proposed layout does not meet this criterion. In addition, where gated access is proposed, it must be positioned a minimum of 5 meters from the edge of the carriageway to prevent obstruction of the highway. The proposed placement does not meet this standard, potentially causing hazards for both vehicles and pedestrians.*

*“Furthermore, there appears to be a demand for on-street parking in the vicinity. While off-street parking may be acceptable in some comparable locations, in this case, the proposed access could negatively impact the availability of existing on-street parking. The alignment of High Street, combined with the potential presence of on-street parking, may also create visibility concerns for vehicles exiting the proposed driveway.*

*“I also note that there may be an existing access to the rear of the property. If so, I encourage the applicant to explore the possibility of utilising this rear access to accommodate parking, as this may provide a more practical solution.*

*“For the reasons outlined above, I am unable to support this application and offer my objections to the proposal.”*

The above comments were sent to the applicant, and subsequently a response was received on 11<sup>th</sup> November 2024. The applicants’ response identified applications 2023/0224 and 2024/0802 which were approved for similar development upon a classified highway that did not provide turning space within the site boundaries. It also confirmed that the proposed gates would only open inwards, and a condition attached to the grant of planning permission for 2023/0224 was identified which did not require a 5-metre setback from the edge of the carriageway. It was suggested that the gates could be omitted if requirements could not be satisfied. The applicant states that the majority of on-street parking occurs on the western side of the highway. However, available space is limited because of the customers of local businesses also parking in this location which further adds to the difficulties of finding a space near the house that is reasonably safe to cross. The applicant also confirmed that they have the benefit of a single parking space to the rear of the dwelling, which is in use, but it is difficult to access due to the narrow width of the track.

The applicants' response was passed onto Highways Development Control for further consideration. Further comments were made which stated:

*“Further the applicants’ response to my earlier comments whilst I appreciate their desire for an off-street vehicular access, in this particular location it is not something that we can support.*

*“The two applications that were cited as similar examples by the applicant are only comparable in that they are served from a classified road. In both of these locations neighbouring properties had a vehicular access and whilst not in accordance with the standards that we apply currently, local context was taken into consideration, as with all applications given that they are assessed by their own merit on a case-by-case basis. Furthermore, in some instances, it is more appropriate for vehicles to park off street and again, this is a view taken on a case-by-case basis.*

*“In this instance, I am of the opinion that the introduction of a driveway at this particular location would have safety implications in terms of possible visibility constraints and difficulty exiting the driveway should vehicles be parked opposite the access.”*

The above comments were sent to the applicant, and subsequently a further response was received on 24<sup>th</sup> November 2024. The applicants' response was passed onto Highways Development Control for further consideration, but their objection was maintained.

Having considered the proposal, including ongoing communications during the application process, the LPA empathises with the applicants' rationale for the proposed development. However, personal circumstances cannot be taken into account as they are not a material planning consideration. The LPA generally agrees with the comments made by Highways Development Control and shares their concerns in relation to the lack of turning space and potentially limited visibility due to the alignment of the highway, especially to the north where the highway becomes elevated and curves. Visibility to the south is not likely to be as limited because of the straighter alignment of the road. However, vehicles travelling northbound could pose a risk as drivers manoeuvre over the central road markings to pass parked vehicles on the west side of the highway. This could prove to be unsafe should the applicants' vehicle egress the application site in a reverse gear. The parked vehicles themselves could pose further issues with limited space to effectively and safely manoeuvre and egress the site. The identified highway safety concerns weigh significantly against the proposal.

The approval of applications 2023/0224 and 2024/0802 is acknowledged. However, each application is considered on a case-by-case basis and on its own merits, taking into consideration local context. It is accepted that these applications are comparable by the fact that they are for similar development upon a classified highway. However, the respective local contexts are notably different and did not present similar highway safety concerns, including taking into account existing sub-standard parking arrangements nearby. It is acknowledged that there are existing examples of driveways within the street scene of High Street. However, these serve properties that benefit from larger plots, and which can accommodate adequate turning facilities. As such, only limited weight can be attributed in this regard.

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

### Visual Amenity

The application property is fronted by a modest sized garden bounded by low-built stone and brick walls. Neighbouring properties are fronted by similar sized gardens with similar boundary treatments. The existing gardens contribute positively to the character of the street scene. The proposal would result in the loss of the front garden which would be replaced by a permeable surfaced parking area. Whilst this is regrettable, the change would not be detrimental to the character of the street scene, especially in the existing context of nearby driveways. Additionally, the proposed alterations to the

western boundary treatment would maintain its existing height and the use of timber gates would have a relatively neutral appearance. This weighs moderately in favour of the proposal.

*The proposal is therefore considered to comply with Local Plan Policy D1: High Quality Design and Placemaking and would be acceptable regarding visual amenity. Nevertheless, a proposal that is considered acceptable regarding visual amenity does not warrant the approval of a scheme that is considered unacceptable in terms of its impact on highway safety.*

### Residential Amenity

The proposed development would not be significantly detrimental to the amenity of the occupant(s) of the application property or nearby neighbouring properties and would not contribute to significantly increased levels of overshadowing, overlooking and loss of privacy or reduced levels of outlook. This weighs moderately in favour of the proposal.

*The proposal is therefore considered to comply with Local Plan Policy GD1: General Development and would be acceptable regarding residential amenity. Nevertheless, a proposal that is considered acceptable regarding residential amenity does not warrant the approval of a proposed scheme that is considered unacceptable in terms of its impact on highway safety.*

### Planning Balance and Conclusion

The application site is on the east side of High Street, Dodworth – a classified highway (B6099) with a speed limit of 30mph. The highway has a notable gradient which falls gradually in a general north-west to south-east direction and curves to north and south of the application site. The northern curve is the closest to the application site and begins approximately 29 metres to the north of the northern boundary of the application site and opposite the junction with Delf Garth – a nearby residential cul-de-sac. From this junction the highway adopts a straight alignment which extends for approximately 134 metres to the south before curving to the south-east and becoming Keresforth Road. Located to the north of the application site and between 109 High Street and 111 High Street is an existing access track served by an existing dropped kerb. This access track leads to an area of hardstanding to the east of the rear curtilages of 109, 111 and 113 High Street. Located to the south of the application site is an area of hardstanding between the west-facing elevation of 117 High Street and the highway. This area of hardstanding services a residential dwelling and commercial garage and is served by an existing dropped kerb.

The proposed development would include the formation of an extension to the established dropped kerb servicing the adjacent residential dwelling and commercial garage to the south of the application site. An existing streetlight would be re-located to facilitate the development with modest alterations to the existing western boundary treatments and the re-surfacing of the existing front garden with a permeable surface for vehicular parking.

Whilst the proposed development is considered to be acceptable regarding residential amenity and visual amenity, which are attributed modest weight in favour of the development, paragraph 115 of the National Planning Policy Framework (NPPF) states that '*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*' Unfortunately, the proposal fails to overcome highway safety concerns which are considered unacceptable. This weighs significantly against the proposed development and tilts the planning balance against the proposal. As such, this application is recommended for refusal.

**Recommendation -  
Refuse.**

