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**Application: 2023/0812**

**Type:** Lawful Development Certificate

**Applicant:** Mr S Bilson

**Site Address:** 7 Sandringham Close, Thurlstone, Sheffield, S36 9RW

**Proposal:** Certificate of Lawfulness for proposed development of new driveway and dropped kerb

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### **Location & Property Description**

The dwelling is located in a circa 1970's housing development in the northern section of the village of Thurlstone, which itself is situated to the west of the larger town of Penistone. The estate is outside of the conservation area which covers most of Thurlstone. Sandringham Road is a small unclassified street with a single entrance and exit; seven link-detached houses are located on one side of the road whilst four detached bungalows feature of the opposite side.

The dwelling is a 3 bedroomed dwelling with additional ground floor living space located within the converted link-detached garage. The dwelling is constructed of buff coloured brick with a grey tiled apex roof. The front garden is quite steep, rising from the highway, it is currently split between a driveway and lawn,

### **Proposed Development**

The proposal is for the installation of a new driveway to cover the majority of the front garden, as the proposal is a lower level than the existing incline, a brick retaining wall ( $\leq 1\text{m}$ ) is also proposed. Additional proposed works include work to the highway (pavement and kerb) which will require additional and separate consent and approval from the Highway Authority

The applicant has submitted the following plan in support of their LDC application:

Location Plan P6; Location Plan TQRQM19076112331894; Existing Site Plan – Dropped Kerb P1; Proposed Site Plan - Dropped Kerb P2; Existing and proposed boundary wall elevation. Existing and Proposed Site Section P3; Visibility Splay Block Plan P4; Existing and Proposed Block Plan P5; Planning Statement

All works relate to the dwelling at 7 Sandringham Close, Thurlstone, Sheffield, S36 9RW

### **Planning History:**

2019/0524: Proposed garage conversion to living accommodation and erection of front porch – Approved with conditions 5<sup>th</sup> July 2019

### **Planning Context**

Section 192(1) of The Town and Country Planning Act 1990 provides that if any person wishes to ascertain whether any operations proposed to be carried out in, on, over or under land, would be lawful, may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question. Section 192(4) then provides that if, on an

application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case shall refuse the application.

Hard surfaces within a dwelling's curtilage maybe constructed without obtaining planning consent, providing they meet the criteria set out in Class F, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Walls, Class A and access to the highway Class B maybe constructed without obtaining planning consent, providing they meet the criteria set out in Class A and Class B respectively of Part 2, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

## **Legislation**

### **Class F (Part 1, Schedule 2)**

#### **Permitted development**

F. 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**

F.1 Development is not permitted by Class F if permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use).

#### **Conditions**

F.2 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.

### **Class A and Class B (Part 2, Schedule 2)**

#### **Permitted development**

The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

#### **Development not permitted**

A.1 Development is not permitted by Class A if—

- (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—

- (i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;
- (ii) in any other case, 1 metre above ground level;
- (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;
- (c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or
- (d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

### **Interpretation of Class A**

A.2 For the purposes of Class A, “school” includes—

- (a) premises which have changed use under Class S or T of Part 3 of this Schedule (changes of use) to become a state-funded school or registered nursery as defined in paragraph X of Part 3; and
- (b) a building permitted by Class C of Part 4 of this Schedule (temporary buildings and uses) to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Part 4.

### **Class B – means of access to a highway**

#### **Permitted development**

B. The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).

### **Consultees**

**Legal** – Legal advice stated that if the development met the criteria of the GPDO, then a Lawful Development Certificate could be issued. It was also highlighted that separate approval would be required for any works in relation to the highway.

**Highways DC** – Highways confirmed that concerns in relation to visibility or parking provision and the gradient of the site had been improved. They stated that the site included drainage. They also confirmed that section 184 Licence, obtainable from the Highways Authority would be required and to inform the applicant of this.

### **Assessment**

Class F, from Part 1, Schedule 2 of the GPDO 2015 (as amended) permits the laying of a hard surface when certain criteria are met. This includes where being located between the front elevation of a dwelling and the highway, and covering an area over 5 sqm, as in this instance, the dwelling must be made of a porous material or have adequate drainage to retain surface water run off on site. Class A, from Part 2, Schedule 2 of the GPDO 2015 (as amended) allows for walls of 1m or less, from ground level, to be constructed within the curtilage of a dwelling. Class B allows for the construction of a

means of access to the highway, as long as the highway is not a trunk road or classified road, which in this instance it is not, and it is required in connection with any other class listed in schedule 2 of the GPDO, except for class A of Part 2 (walls and fences). Although this application includes the construction of a wall under Class A part 2, class B (highway access) is required by Class F (hard surface) of part 1 of the GPDO and not Class A of part 2. Conversely the Class A wall is instead required due to Class F and Class B, as it will be a retaining wall required by the installation of the driveway and access.

Having checked the proposed development against the GPDO 2015 (as amended) and having received confirmation from Highways DC that there are no concerns in relation to parking provision, highway safety (visibility) and the site features adequate drainage, the proposal complies with this legislation and consequently is eligible for a Lawful Development Certificate. In addition to the Lawful Development certificate, a sSection 184 licence from the Highway Authority will also be required for any works carried out on the highway (pavement, road, or kerb) but this is separate to the planning requirements.

**Recommendation:**

Issuance of A Lawful Development Certificate