
Application number: 2024/0063

Description: Disabled access ramp and block paved footpath to front of dwelling

Location: 50 Barnsley Road, Brierley, Barnsley, S72 9LD

1. Site Location & Description

- 1.1. The development site consists of a terraced dwelling located adjacent to Barnsley Road (A628). The property benefits from off street parking to the rear along with a garage. The rear garden is located behind the garage. The surrounding area is predominantly residential in character with the dwellings consisting of terraced, semi-detached and detached dwellings, however the village of Brierley is surrounded by agricultural holdings.

2. Proposed Development

- 2.1. The applicant is proposing a disabled access ramp and block paved footpath to the front of the dwelling located at 50 Barnsley Road, Brierley, Barnsley, S72 9LD. The access ramp is proposed to be a semi-permanent structure constructed from a galvanised steel frame with an expanded metal mesh surface. The ramp would provide access to the dwellinghouse by creating a ramp and level from the front door to a block paved footpath that would lead up to the property from the public footpath.
- 2.2. The ramp and level would measure approximately:
- 3.5m(L) x 0.9m(H) x 1m(W)
- 2.3. Whilst the new footpath would lead from the public footpath and would measure approximately:
- 3m(L) x 1m(W)

3. Planning History

- 3.1. 2024/0031 - Single storey rear extension to 2 storey terraced dwelling – Approved subject to conditions, April 2024.

4. Policy Context

- 4.1. 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.

4.2. The Local Plan review was approved at the full Council meeting held 24th November 2022.

4.3. 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

4.4. The site is allocated in the Local Plan as Urban Fabric. In addition, the following Local Plan policies are relevant to this site: -

- SD1 Presumption in favour of sustainable development
- GD1 General Development
- D1 High Quality Design and Place Making
- Policy CC4 Sustainable Drainage Systems
- CL1 Contaminated and Unstable Land
- Poll1 Pollution Control and Protection

SPD

- SPD: Parking

4.5. These policies are considered to reflect the Principles in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings.

National Policy

4.6. 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.

5. Consultations

5.1. Highways – Object to the scheme as the erection of ramp and railings within the public highway for personal/individual use is not permitted. The ramp/railings would need to be contained solely within the site curtilage and utilising more of the front garden. An alternative suggestion was sent to the applicant; however, the applicants mobility

scooter would not be able to negotiate the 90° corners of the previously suggested layout, another alternative suggestion was sent to the applicant to have a constantly sloping curved ramp and railings within the site leading to a wide section of extended pathway of sufficient width to accommodate the turning manoeuvre of the scooter. The applicant has failed to produce plans to address the issues above.

5.2. Regulatory Services – No objections.

5.3. Drainage – No objections.

Principle of development

5.4. The building is located within a residential area and these developments are needed for access to dwellinghouses for members of society with access issues. The proposal is therefore acceptable in principle, subject to policy GD1 and the impact of the proposal upon residential amenity, visual amenity and highway safety.

Residential Amenity

5.5. The site is a well-established residential area with properties neighbouring the site. The development would introduce a new structure to the front of the property. However, it is unlikely to have a detrimental impact on any neighbouring resident's residential amenity. The structure would not cause a loss of outlook to any properties, the Council's Regulatory Service Officer has also assessed the scheme and has concluded that they raise no objections to the scheme, and it is unlikely to have a negative impact on residents.

Visual Amenity

5.6. The applicant has stated that the ramp would be constructed from a galvanised steel frame with an expanded metal mesh surface. This would be constructed to the front of the dwellinghouse and would be visible to the general public. The structure would not add any architectural value and would not be very aesthetically pleasing; however, it would serve a practical function for the use of the resident at the property and would not over-dominate or appear significantly out of character with the streetscene. The applicant has also stated that the structure would be semi-permanent, and as such it is likely that any future resident could remove the structure in the future. The LPA would raise no issues in regard to the visual amenity of this structure, as access to the property for the resident is crucial.

Highway Safety

5.7. The Transportation Officer initially objected to the scheme as the erection of ramp and railings within the public highway for personal/individual use is not permitted. The ramp/railings would need to be contained solely within the site curtilage and utilising more of the front garden. An alternative suggestion was sent to the applicant; however, the applicants mobility scooter would not be able to negotiate the 90° corners of the previously suggested layout, another alternative suggestion was sent to the applicant to have a constantly sloping curved ramp and railings within the site leading to a wide section of extended pathway of sufficient width to accommodate the turning manoeuvre of the scooter.

- 5.8. The applicant has failed to produce updated plans on the back of the information sent across. As such the plans are unacceptable and would be contrary to Barnsley Local Plan Policy T4 New development and Transport Safety and in contravention of Section 130 of the Highways Act 1980 within which it states that “It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority, including any roadside waste which forms part of it” and “...it is the duty of a council who are a highway authority to prevent, as far as possible, the stopping up or obstruction of...the highways for which they are the highway authority”.
- 5.9. It should be noted that the use of the term “roadside waste” within Section 130 carries no derogatory or dismissive meaning and includes land such as roadside grass verges.
- 5.10. Follow up emails have been also sent to the applicant chasing for updates and timings no reply was received.

6. Conclusion

- 6.1. In principle the LPA have no objections to the scheme, however the applicant has not sought to amend the plans on the suggestions made by Council’s Transportation Officer. As such the scheme is currently unacceptable and there has been no reply from the applicant in terms of timescales and providing new amended plans. As such the LPA has no option but to refuse the scheme due to the concerns raised by the Transportation Officer.

7. Recommendation

- 7.1. Refuse