



Appeal Decision

Site visit made on 1 February 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 21 February 2022

Appeal Ref: APP/R4408/D/21/3285709

4 Barnburgh Lane, Goldthorpe, Rotherham, South Yorkshire S63 9PG

- 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 Ms Trudy Bowman against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2021/0518, dated 18 March 2021, was refused by notice dated 30 July 2021.
 - The development proposed is to make an access for disability reasons for a car hardstanding off a busy main road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of brevity I have amended the description of the proposal given within the application form. This is reflected in the heading above.

Main Issue

3. The main issue is the effect of the proposed development upon highway safety.

Reasons

4. Barnburgh Lane is a classified road that is a primary link between Goldthorpe and Barnburgh and serves several side estate roads. Along its length there is a mix of terraced and semi-detached properties. The road has footpaths and on street parallel parking to both sides. Although the area is predominately residential, there are a number of businesses and shops nearby which are also served by the road and its associated footpaths. The road is busy and is on a bus route.
5. The appeal property is semi-detached with a good-sized front grassed garden, access path and brick wall boundary. It is located at the corner of Barnburgh Lane and Windermere Avenue, fronted by the footpath, and straddles the give way junction mouth. There is a pedestrian crossing to Windermere Avenue which is adjacent to the property, and a short distance away on Barnburgh Lane there is a bus stop.
6. The proposal would consist of a driveway with wooden gates within the garden. It would include a footpath vehicle crossing and removal of the boundary brick wall.

7. Due to the limited separation between Barnburgh Lane and Windermere Avenue the proposal would require the driveway to be accessed on the give way junction mouth. Furthermore, the proposal would necessitate crossing the footpath which is a primary pedestrian route. These would result in the car manoeuvring directly within the traffic and pedestrian flows along both roads and footpaths and in to the path of vehicles waiting at the give way. In combination, these issues would create a complicated and hazardous arrangement. The proposal would be unsafe not only for the user of the driveway, but other road users and pedestrians.
8. Whilst it is appreciated that there are a significant number of properties with driveways in the area, no examples of driveways with similar constraints to the proposal have been provided. There are no examples of driveways off Barnburgh Lane. Many of the examples referred to are off less busy side roads, such as Hope Avenue and Washington Road. These only have single road traffic flow and significantly less traffic and pedestrians. The appellant notes that the Council has historically installed driveways in the area however, no evidence that a driveway at the property was proposed has been provided.
9. It is fully recognised that that the appellant has medical reasons for requesting the proposal and based on the accident details provided, also traffic safety concerns. I have given careful consideration to these however, it has not been sufficiently demonstrated that the proposal would be safe. On this basis, the appellant's personal circumstances do not outweigh the harm that I have found to other traffic and pedestrian users.
10. In conclusion, the proposal would harm highway safety and be contrary to Policy T4 of the Barnsley Local Plan 2019 which amongst other matters expects development to be designed and built to provide safe, secure and convenient access and movement all for transport users.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR