2023/0394

Mrs Lisa Batty

28 Staincross Common, Staincross, Barnsley, S75 6JF

Proposed movement and widening of drop kerb

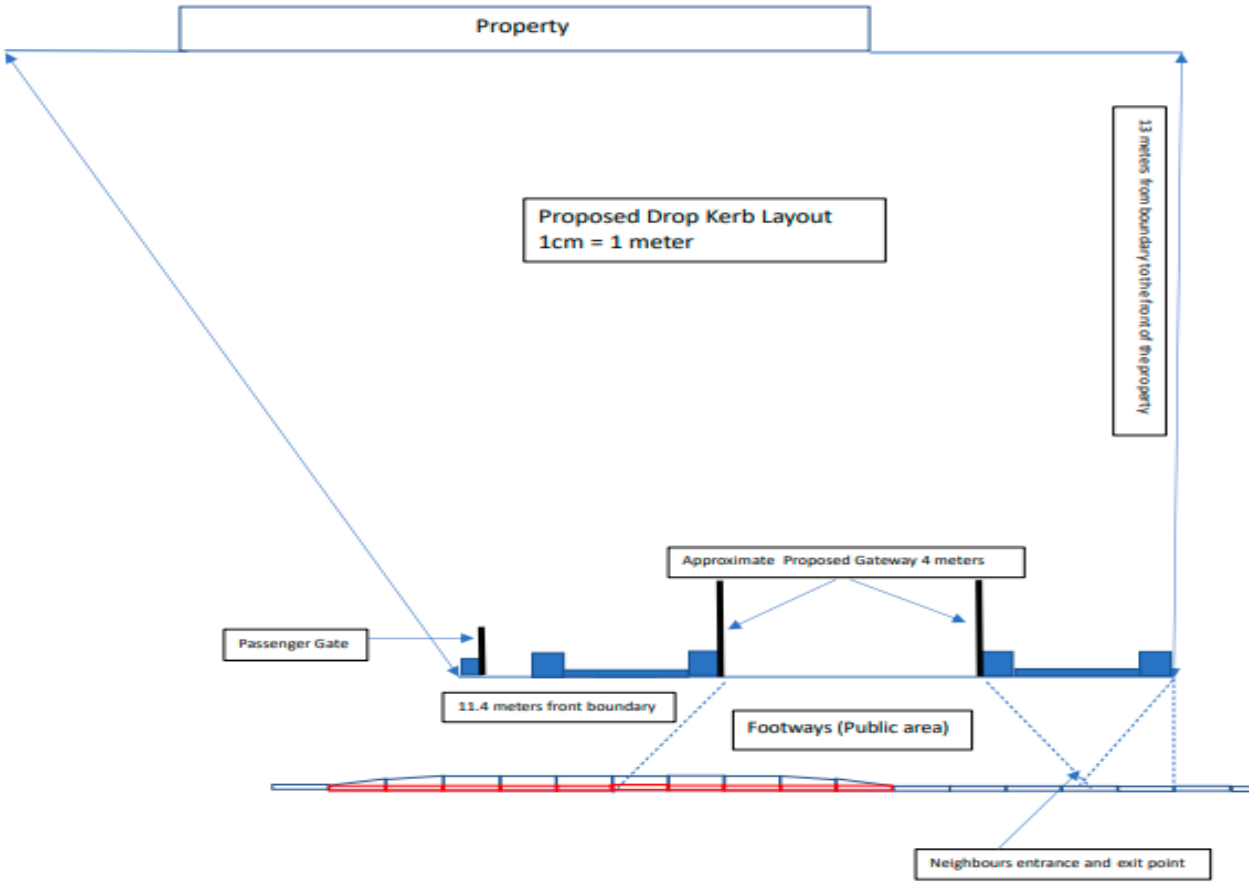
Site Description

The dwelling is a two-storey detached dwelling located in Staincross. Staincross Common has a mixed residential street scene with various dwelling types and external materials featured. The dwelling has a large curtilage with a driveway to the front which runs to the side of the dwelling. Staincross Common is a classified road (C65) and is subject to a 30mph speed limit at this locale

Planning History

2022/0535 - Single and two storey rear extensions and first floor side extension to dwelling (Approved with Conditions)

Proposed Development



The applicant is seeking approval for the formation of a dropped kerb arrangement to provide vehicular access to the property. The property currently benefits from a dropped kerb and this application seeks to widen the existing.

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.

Local Plan Allocation – Urban Fabric

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

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

Policy SD1: Presumption in favour of Sustainable Development – States that proposals for development will be approved where there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land. Policy GD1 below will be applied to all development.

Policy 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. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land.

Policy 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.

Policy T4: New development and Transport Safety – States that 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.

<u>Supplementary Planning Document: House extensions and Other Domestic Alterations</u>

This document establishes the design principles that specifically apply to the consideration of planning applications for house extensions, roof alterations, outbuildings & other domestic alterations. The general principles are that proposals should;

- Be of a scale and design which harmonises with the existing building;
- Not adversely affect the amenity of neighbouring properties;
- Maintain the character of the street scene; and
- Not interfere with highway safety

The above principles are to reflect the revised principles in the NPPF, which promote high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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 12: Achieving well designed places - The Government attaches great importance to the design of the built environment. 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. It is important to plan positively for the inclusion of high-quality design for all developments, including individual buildings, public and private spaces and wider area development schemes.

Within section 12, paragraph 134 states that *"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"*.

Consultations

Highways Development Control (DC) were consulted and raised no objections subject to conditions.

Representations

Neighbour notification letters were sent to surrounding properties, one comment was received and in summary raised the following points.

- Does the property owner plan to widen the drive to allow for commercial vehicles into the property to operate their business

Works to the driveway are covered under permitted development rights. The application for the drop kerb is only required because the dwelling is located on a classified road. In relation to the running of a business, there are no hard and fast rules at the national level regarding the thresholds as to when home-based business proposals require planning permission. This means that we as a Local Planning Authority have the task of using the information supplied to us by applicants to make a judgement call based upon a matter of fact and degree as to whether a specific proposal would trigger a 'material change of use', which is the point at which something becomes a form of development as defined by S55 of the Town and Country Planning Act.

There is no information submitted in relation to the running of a business in this application and we can only judge an application on its own merit with the information provided. However, If the authority receives any complaints in relation to the business based upon material planning considerations such as noise and disturbance affecting the enjoyment of their home, we may request that a separate formal planning application is required.

Assessment

Principle of Development

Accesses to properties will be allowed where adequate visibility is provided for drivers entering the highway for both pedestrians and vehicles and there is no significant detriment to visual amenity.

Highway Safety

There will be no impact upon highway safety. The proposed widening of the section of dropped kerb and relocation of the driveway does not impact on the safe access and egress from the property. At this point, Staincross Common is a straight road and there is therefore good visibility in each direction from junctions and driveways. The scheme is acceptable from the perspective of highways.

Visual amenity

The proposal extends an existing dropped kerb and as such there will be little visual impact on the character of the streetscene.

Recommendation

Approve with conditions