



Appeal Decision

Site visit made on 11 February 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 February 2025

Appeal Ref: APP/J4423/D/24/3352444

43 Crimicar Lane, Sheffield S10 4FA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Chris Nunn against the decision of Sheffield City Council.
 - The application Ref is 24/02243/FUL.
 - The development proposed is described as 'planning permission required for new drive drop kerb'.
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Decision

1. The appeal is allowed and planning permission is granted for the laying out and construction of a means of vehicular access, including dropped kerb and the removal of part of an existing boundary wall to form an off-street parking space at 43 Crimicar Lane, Sheffield, S10 4FA in accordance with the terms of the application, Ref 24/02243/FUL, dated 30 July 2024, and the plans submitted with it, subject to the following condition:
 - 1) Unless within 3 months of the date of this decision, the dropped kerb shown on the approved plans is implemented in full, the use of the hard standing for the parking of any motor vehicle shall cease. The approved plans are 'Site Location Plan', 'Proposed Drawing', and 'Proposed Elevation'.

Preliminary Matters

2. I have used the description of development on the Council's decision notice and added reference to the dropped kerb for reasons of comprehensiveness and clarity and removed words not relating to acts of development.
3. Whilst not referenced within the appeal submission, I observed on site that apart from the dropped kerb, the development is now complete. The development that has taken place accords with the submitted plans and I have determined the appeal on that basis.
4. During the appeal process, a revised National Planning Policy Framework (hereafter the Framework) was published on 12 December 2024 and corrected on 7 February 2025. There is no need to invite further comments from the Council or the appellant on the revisions as there are no fundamental changes relevant to the appeal before me.

Main Issue

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

Reasons

6. The appeal property is a semi-detached dwelling located on Crimicar Lane, a classified highway flanked by dwellings on both sides. The lane has a gentle slope downwards from the north-west to the south-east but plateaus in the vicinity of the appeal property. It has footpaths either side of the carriageway, is a bus route and has a speed limit of 30mph. Very few of the properties opposite have off-street parking available within their boundaries. Both properties either side of the appeal property have frontages laid with hardstanding, similar to the appeal proposal.
7. The Council consider that the parking space subject of this appeal is not of a sufficient size to accommodate a vehicle without overhanging the pavement, which they say would cause an obstruction and adversely affect pedestrian and highway safety. In the context of householder development, the 'Designing House Extensions': Supplementary Planning Guidance (SPG) from the Unitary Development Plan (1998) stipulates that all parking spaces should be at least 5m long by 3.2m wide to allow pedestrians to pass a parked car.
8. The parking space does not conform to the perpendicular configuration as depicted within the SPG. However, from my site visit I was able to observe that the driveway is of sufficient size to adequately accommodate a family sized car parked broadly parallel with the house at a slight angle, without it encroaching onto the adjacent footpath. Even with a car parked on the driveway, there remains sufficient space for users to exit and enter a car with ease and not cause an obstruction.
9. On-street parking appears to be sought after in this area given the lack of available off-street parking for some of the houses opposite and nearby. At the time of my visit, I observed there were many cars parked along the lane, some breaching the pavement. Allowing a driveway to accommodate one car would be a benefit by removing a potential obstruction from the carriageway. Furthermore, the development would allow the appellant to charge an electric vehicle at home. These are environmental benefits which weigh in favour of the proposal.
10. Whilst I appreciate that accessing the parking space created may take more than one manoeuvre, it has not been demonstrated that this would be harmful to highway safety. This is particularly so, in the context of the alternative which involves parking on the roadside, which is likely to cause some minor obstruction to both pedestrians and vehicles.
11. The development does not fully accord with the SPD. However, this document contains guidance and does not set mandatory policy standards. For the reasons set out, I am satisfied that the proposal aligns with the underlying guidelines in the SPG to avoid adverse effects on highway safety. It follows that there is no conflict with national policy in the Framework which states that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety.
12. Therefore, I find the effect of the development upon highway safety to be acceptable and in accordance with Policy H14 of the Sheffield Unitary Development Plan (adopted 1998). This sets out that amongst other things, in Housing Areas, new development should provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians. Policy BE5, which relates to building design and siting, has also been cited but is not determinative to this appeal. I also find the development to accord with Policy

CS74 of the Sheffield Development Framework Core Strategy (adopted 2009) which amongst other things seeks to ensure developments contribute to safe and sustainable environments and enable all people to gain access safely and conveniently.

Conditions

13. In the interests of highway safety, it is necessary to require that the dropped kerb shown on the proposed plan be installed. There is a strict timetable for compliance because as the development has already begun, it is not possible to impose a negatively worded condition to secure the implementation before development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.
14. Whilst the Council request a condition be imposed that requires details of the surfacing materials to be agreed before development commences, it is no longer necessary as this element of the development has already been completed to an acceptable standard.

Conclusion

15. For the above reasons, having had regard to the development plan as a whole, the Framework and all other matters raised, I conclude that the appeal should be allowed.

C Walker

INSPECTOR