



# Appeal Decision

Site visit made on 11 September 2009

by **M C J Nunn BA BPL LLB LLM BCL MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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**Decision date:**  
**15 October 2009**

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## Appeal Ref: APP/Q1445/A/09/2105168

### 63 Uplands Road, Brighton, East Sussex, BN1 7FA

- 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 Miss Nicola Turnbull against the decision of Brighton and Hove City Council.
- The application Ref BH2009/00232, dated 12 June 2008, was refused by notice dated 29 April 2009.
- The development proposed is 'excavation of land to front of property to create hardstanding.'

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### Decision

1. I allow the appeal, and grant planning permission for the excavation of land to the front of the property to create hardstanding at 63 Uplands Road, Brighton, East Sussex, BN1 7FA in accordance with the terms of the application, Ref BH2009/00232, dated 12 June 2008, and the plans submitted with it.

### Procedural matters

2. The description in the heading above is taken from the Council's decision and used on the appeal form, and differs from that in the application form. I consider it more succinctly describes the works applied for.
3. The development subject to the appeal has already occurred.

### Main issue

4. I consider the main issue in this case to be the effect of the proposal on the character and appearance of the area.

### Reasons

5. The appeal property comprises a semi-detached post-war property on a road of other similar dwellings. The properties are on a hill with steeply sloping front gardens, some of which have been terraced, and are generally laid to lawn or cultivated with flowers and shrubs. Many of the semi-detached properties in the vicinity, including the appeal property, have shared access driveways between them which rise steeply to garages set behind the houses.
6. I understand that various changes have been made to the scheme following the Council's earlier refusal of permission in October 2008 under Ref BH2008/02191. For example, I note that the width of the hardstanding has been reduced as well as the width of the steps. The reduction in the area of hardstanding allows for greater planting to the south western boundary as well

as planting to the north east of the steps. In addition, the area between the back of the hardstanding and the house now has shrub planting as opposed to hard paving. The existence of planting and shrubs provides a softening effect and a contrast to the hard paved surfaces and retaining walls. In my view, these changes, although relatively minor, cumulatively considerably soften the appearance of the hardstanding and make it more attractive in the street scene.

7. Whilst I accept the Council's point that this type of excavated arrangement is not common in the immediate vicinity, I do not consider that to be reason in itself to withhold permission. In my view, the block paving, stepped retaining walls and the enclosed steps up to the front door appear well designed and relate satisfactorily to the host dwelling, as well as the wider street scene. In my judgement, because care has been taken with the proposal's design, I do not consider it appears discordant or incongruous in relation to the existing properties or the street scene generally.
8. I do not share the Council's concerns that the proposal unbalances the appearance of the pair of semi-detached dwellings since they are not identical, each having a different porch design. Nor do I consider differences in front garden treatment would undermine the area's character. The Council also has concerns that the white blockwork appears incongruous against the traditional red brickwork that characterises the dwellings in Uplands Road. I accept that the materials used here contrast with the red brick of the houses, but in my view it is a pleasant contrast. I also consider that the brightness of the blockwork will mellow over time, as it becomes weathered. In my opinion, no harm is caused to the character and appearance of the area.
9. I therefore see no conflict with Policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan which together require, amongst other things, development to be of high quality, well designed and to make a positive contribution to the visual quality of the environment.
10. I note that there are no objections to the scheme from a highways perspective.
11. The Council has not suggested any conditions should I be minded to allow the appeal, and I do not consider any are necessary as the work has been undertaken and completed.
12. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be allowed.

*M C J Nunn*

INSPECTOR