



Appeal Decision

Site visit made on 23 May 2011

by Elizabeth Fieldhouse DipTP DipUD MRTPI

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

Decision date: 26 May 2011

Appeal Ref: APP/Q1445/D/11/2150033

Cinderford, Cornwall Gardens, Brighton BN1 6RH

- 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 Alpha Properties Limited against the decision of Brighton & Hove City Council.
 - The application Ref BH2010/03135, dated 30 September 2010, was refused by notice dated 2 February 2011.
 - The development proposed is a 'bin enclosure and dropped kerb'.
-

Decision

1. I dismiss the appeal.

Procedural matters

2. The development proposed is more accurately described on the Council's decision as a 'Proposed bin enclosure and dropped kerb. Alterations to front boundary wall to accommodate widening of vehicle access.'

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Preston Park Conservation Area.

Reasons

4. The Cornwall Gardens area of Preston Park Conservation Area is characterised by substantial detached and semi-detached houses many of which are of the Edwardian period. Those on the east side of Cornwall Road are generally above the level of the road with old brick retaining walls and entrances between brick piers defining the back edge of the pavement. At the southern end of the street there is more recent development of bungalows, the appeal property being one built in the 1950s on the east side of the road. The coach house to the rear of Cinderford is being converted for residential use and the changes proposed relate to the access and bin store associated with that development.
5. The proposal would increase the width of the existing crossover and entrance from 2.6m to 4.4m widening the drive to the coach house on the roadside of Cinderford. Unlike other parts of the road, wider entrances to properties are found at the southern end of Cornwall Gardens. The brick pier has been removed from the northern side of the entrance but Cornwall House at the southern end of the road does not have piers flanking the entrance. Therefore

- the widening of the access and the removal of the brick pier would preserve the character and appearance of this part of the conservation area.
6. The proposed bin enclosure would be 1m deep parallel to the road and extend 1.8m into the front garden from the frontage wall. It is shown to be the height of the adjoining pier, some 1.3m high on the proposed 'Section through the bin store' with the pier some 1.4m high on the 'Elevation to Cornwall Gardens'. On that drawing, the front boundary wall is shown to be about 1.2m high. Therefore, it is likely that the bin store would be visible over the boundary wall with no space to mitigate the unhappy juxtaposition when viewed from the road. Such a situation would fail to preserve or enhance the character or appearance of the conservation area.
 7. In addition, the plan of the proposed bin enclosure and dropped kerb shows 6 steps to the front garden level adjoining the bin store whereas the section shows two steps which would be the case if the section shows the view towards the drive but the section through the bin store does not appear to be this view. The need for 6 steps would appear to give a greater rise in level than is shown to exist between the level of the front garden and the drive adjoining Cinderford.
 8. The appeal site lies within the conservation area where development should preserve or enhance the character or appearance. The proposed development is not dimensioned on the sections/elevations which appear to show slightly different heights for the same pier nor do they adequately demonstrate that the proposed bin enclosure would not be visible above the boundary wall. It has not been demonstrated that the proposal would preserve or enhance the character or appearance of the conservation area. Therefore it is not possible to conclude that policy HE6 of the Brighton and Hove Local Plan 2005 or the duty in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 would be met. For the reasons given the appeal should fail.

Elizabeth Fieldhouse

INSPECTOR