



Appeal Decision

Site visit made on 23 September 2010

by Simon Poole BA(Hons) DipArch MPhil MRTPI

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

Decision date: 3 October 2011

Appeal Ref: APP/Q1445/D/11/2157856
301 Kingsway, Hove, East Sussex BN3 4LQ

- 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 Mr O Adeosun against the decision of Brighton and Hove City Council.
 - The application Ref BH2011/00477, dated 14 February 2011, was refused by notice dated 18 May 2011.
 - The development proposed is the erection of a wooden fence on top of the existing side and front boundary walls, erection of timber decking to the front garden and associated alterations.
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Procedural Matters

1. I have used the description of development provided on the Council's decision notice as I consider it more accurately and succinctly describes the proposal.
2. The timber decking within the front garden has been installed and, at the time of my visit, fence posts were in place behind the boundary walls.

Decision

3. I dismiss the appeal in so far as it relates to the erection of a wooden fence on top of the existing side and front boundary walls and associated works to the appeal site's boundaries. I allow the appeal insofar as it relates solely to the erection of timber decking to the front garden at 301 Kingsway, Hove, East Sussex BN3 4LQ in accordance with the terms of the application, Ref BH2011/00477, dated 14 February 2011, and the plans submitted with it so far as relevant to that part of the development hereby permitted subject to the following condition:
 - 1) The development hereby permitted shall be in accordance with approved drawing 1102010/OLU1 Revision A.

Main Issue

4. The main issue in this case is the effect of the proposal on the character and appearance of the street scene and the surrounding area.
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Reasons

5. The appeal property is an end of terrace 2-storey house which fronts Kingsway and has a long side boundary facing Norman Road. Its front and side boundaries are formed by approximately waist-high brick walls surmounted by decorative panels set between brick piers. Whilst the design and materials of boundary structures enclosing nearby properties varies considerably, in general they are no taller than those at the appeal property.
6. The proposal would include the erection of timber fencing above the boundary walls to a height of about 1.8m above pavement level. The majority of the fencing facing Norman Road would comprise timber panels whilst that enclosing the front garden is intended to be open-boarded.
7. Due to its height, materials and siting predominately around the front of the property, the fencing would be an incongruous element in the street scene which, in my judgement, would have an unacceptable effect on the character and appearance of the area. For this reason I conclude that this aspect of the proposal fails to accord with Policies QD2 and QD14 of the Brighton and Hove Local Plan (2005) which require all new development to take into account local characteristics and the space around buildings.
8. I recognise the appellant's desire for enhanced privacy and an improved sense of security. I also note that the property has been sensitively renovated and faces a busy noisy road. However these matters do not outweigh my conclusions set out above.
9. The timber decking within the front garden is largely hidden behind the boundary walls and is therefore an inconspicuous element in the street scene. I am satisfied that this element of the proposal is acceptable and accords with the Local Plan. I consider that the timber decking is clearly severable and physically and functionally independent from the proposals relating to the boundaries. I therefore issue a split decision in this case.
10. As the decking is already in place there is no need to impose the standard condition requiring implementation within 3 years of approval. However, for the avoidance of doubt and in the interests of proper planning it is necessary that the development accords with the approved drawing so a condition has been imposed to that effect.

Simon Poole

INSPECTOR