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# Appeal Decision

Site visit made on 14 October 2011

**by J O Head BSc(Econ) DipTP MRTPI**

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

**Decision date: 27 October 2011**

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**Appeal Ref: APP/Q1445/A/11/2153351**

**Site adjoining 72 Farm Road, Hove, East Sussex BN3 1FD**

- 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 Manuel Aden against the decision of Brighton & Hove City Council.
  - The application Ref BH2010/03860, dated 15 December 2010, was refused by notice dated 25 February 2011.
  - The development proposed is the formation of a self-contained unit for preparation, storage and distribution, together with revised fenestration and a first floor extension to accommodate office space.
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## Decision

1. **The appeal is dismissed.**

## Clarification

2. The description of the development above is the one used by the Council, which reflects the details of the proposal more clearly than that on the planning application form.

## Main Issue

3. Farm Road lies behind the large terraced houses in Brunswick Place and is within the Brunswick Town Conservation Area. It links the busy retail area of Western Road with Lansdowne Road, to the north, and is subject to a one-way traffic restriction in the south to north direction.
4. The main issue is the impact of the proposal on highway safety and the free flow of traffic on Farm Road, with particular reference to vehicles loading and unloading at the site.

## Reasons

5. The appeal site is on the east side of Farm Road, which is lined by a mixture of garages, commercial and residential properties and open yards, on land that probably originally formed the ends of the rear gardens of the houses in Brunswick Place. The west side of Farm Road is more regularly built up, comprising 3-storey terraced dwellings and public houses with some commercial activity in mews behind.

6. The appeal proposal relates to the site immediately to the north of the 2-storey shop at No 72, which is occupied by a single storey flat roofed commercial building. The 2 buildings are currently linked internally and both are occupied by the appellant's butchers business. The single storey building is of utilitarian design and no architectural merit. It would be replaced by a pitched-roofed 2-storey building designed to have the appearance of a typical 19<sup>th</sup> century dwelling. Subject to satisfactory detailing, which could be ensured by condition if the appeal were to be allowed, this would represent a significant improvement to the street scene and would enhance the character and appearance of the conservation area.
7. The proposed new building would, however, have no connecting link with No 72. This physical separation would result in the formation of 2 self-contained commercial units. It is not clear whether the butchers business would continue to occupy No 72. The appellant states that the butchers would close as a retail outlet, and this therefore seems unlikely, given the lack of any internal linkage between the units. Whatever the appellant's intentions, however, no mechanism is suggested to prevent the two units being used in the future by separate occupiers with differing business needs and characteristics.
8. Farm Road is relatively narrow. There are residents' parking bays along the west side, together with communal wheely bin bays, one of which is opposite the appeal site. These restrict the available width of the carriageway. There is no footway on the east side and a double yellow line parking restriction applies. There is no provision at the appeal site or at No 72 for vehicles to load and unload clear of the highway, neither is there any on-site parking provision<sup>1</sup>. Consequently, vehicles delivering to or collecting from the premises, as existing or as proposed, would need to park on the highway. This could cause a hazard to pedestrians and, for any vehicle larger than a carefully parked car or light van, would lead to an obstruction for traffic travelling along Farm Road.
9. The existing butchers business has been in operation for many years, apparently without this situation causing any difficulty. The appellant states that there is only one lorry delivery per week. However, there can be no guarantee that this situation will continue. Moreover, the separate occupation of No 72 for retail or other commercial use by another party would be likely to give rise to further traffic generation, with the possibility of more frequent deliveries and no control over the size of vehicles involved.
10. Local plan Policies TR1 and TR7 require development proposals to provide for the demand for travel that they create and not to increase the danger to road users. The Council's supplementary planning guidance on parking standards advises that, in all areas, uses such as that proposed should provide an area for waiting and unloading. That advice is not followed in the appeal proposal, with the result that large vehicles calling at No 72 or at the appeal premises would prevent the use of Farm Road by through traffic. Drivers turning into Farm Road from Western Road may not be aware of the obstruction. At worst, this could cause a back-up of traffic into Western Road or encourage reversing movements back out onto Western Road by drivers seeking an alternative route. Both situations would be hazardous to highway users.

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<sup>1</sup> Staff vehicles and vans are parked in rented spaces further to the north in Farm Road. There is no evidence that this land is under the control of the appellant.

11. Accordingly, although the proposed development would be of benefit to the character and appearance of the conservation area, this would be outweighed by the harm that it would cause to highway safety and the free flow of traffic on Farm Road, in conflict with Local Plan policies. The proposal is, therefore, unacceptable and the appeal does not succeed.

*John Head*

INSPECTOR

