



Appeal Decision

Site visit made on 3 January 2012

by J Mansell Jagger MA(Cantab) DipTP MRTPI IHBC

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

Decision date: 9 January 2012

Appeal Ref: APP/Q1445/A/11/2160536
Land to rear of 86 Dale View, Hove BN3 8LF

- 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 R Dyson against the decision of Brighton & Hove City Council.
 - The application ref BH2011/01263, dated 3 May 2011, was refused by notice dated 6 July 2011.
 - The development proposed is a new treble garage.
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Decision

1. The appeal is allowed and planning permission is granted for a new treble garage at Land to rear of 86 Dale View, Hove BN3 8LF in accordance with the terms of the application, ref BH2011/01263, dated 3 May 2011, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The garages hereby permitted shall be used for domestic purposes only and no trade or business shall be carried out therefrom.
 - 3) The front paved area shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location & Block Plan; drawing no. 792/01A.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the street and on the amenities of nearby residents.

Reasons

3. The site is located at the end of the rear garden of 86 Dale View, with a frontage onto the highway at Kingston Close, which is a privately owned no-through road. The west side of the street (at the rear of Dale View) is predominantly composed of single-storey garages, including five sets of triple
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- garages that are owned by the city Council and let to residents. Opposite the site is a four-storey block of flats known as Kingston Court.
4. The proposed garages would be set back from the street frontage, in order to allow for easier access and egress and to provide space so that vehicle owners can pull off the highway to open the garage doors. Some of the existing garages are set back from the road, with parking space in front. However, several triple blocks have been erected on the back edge of the highway, making them difficult to manoeuvre into and out of, with the result that the Council has added "no parking" markings to the surface of the highway. I note that planning permission (BH2009/00125) was granted in 2009 for a double garage on the adjoining site at the rear of 88 Dale View, which was also set back from the highway, though not quite as far as in the present case, and which is a material consideration in my evaluation of the appeal.
 5. The design of the garages would be similar to those already constructed and, with the set back, would be less prominent in the street scene. There is presently only a single garage on the site, which is also set back with close-boarded fencing to either side. The area is softened somewhat by some scrubby planting, though that appears to be mainly within the adjoining site at the rear of 88 Dale View. Nevertheless, although the garages and hardstanding might not be said to positively enhance the visual qualities of the neighbourhood, they would be in keeping with the character and appearance of the street and not materially detract from it. The proposal would therefore not conflict with the objectives of Policies QD1 and QD2 of the Brighton & Hove Local Plan, which set out the standards for the design of new development.
 6. The Highway Authority has confirmed that the likely additional traffic associated with the garages would not have a significant impact on the levels of traffic using Kingston Close, or on highway safety in the Close or at the junction with West Way. The forecast possible increase in traffic movements is not sufficient to be readily noticeable by residents and, with the set back, there would be likely to be less noise and disturbance from the manoeuvre of vehicles than if the garages were sited at the back edge of the highway.
 7. In order to prevent commercial use of the garages, which could be noisy, I will add a condition restricting the use of the site to domestic parking, as was attached to the permission at the rear of 88 Dale View. I will also add a similar condition to provide for drainage of surface water on the paved area. Subject to these conditions, I conclude that the proposed garages and associated parking would not materially harm the amenities of nearby residents and would not therefore conflict with Policy QD27 of the Local Plan. For the avoidance of doubt, I will attach a condition requiring the development to be carried out in accordance with the approved plans.
 8. I have considered all other matters raised, but find no compelling reason that would outweigh my conclusion that the appeal should be allowed.

J Mansell Jagger

INSPECTOR