
Appeal Decision

Site visit made on 25 November 2013

by Michael Boniface MSc MRTPI

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

Decision date: 10 December 2013

Appeal Ref: APP/Q1445/A/13/2204026

11 Westbourne Gardens, Hove, East Sussex, BN3 5PL

- 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 Levy against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/01859, dated 7 June 2013, was refused by notice dated 2 August 2013.
 - The development proposed is construction of vehicle crossover, formation of hard standing and dropped kerb.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the streetscene.

Reasons

3. Westbourne Gardens is a pleasant Victorian tree-lined street comprising a mix of terraced and semi-detached buildings of high quality, traditional appearance. Dwellings are set back from the highway boundary behind small front gardens which are predominantly enclosed by low level walls with piers. This provides a strongly defined highway boundary and a sense of uniformity in the streetscene. The appeal property is one of a pair of semi-detached properties that is now in use as two flats. Nonetheless, it maintains its traditional appearance and fits well within the street, which predominantly comprises single dwellinghouses.
4. The proposed development would involve removal of the front boundary wall including the central pier to allow for the formation of a vehicular access and parking area. The walls and piers are a key feature of the area which emphasise its traditional Victorian character. Removal of these features would disrupt the continuous boundary treatment in the vicinity of the site, eroding the sense of enclosure created and the integrity of the traditional street pattern.
5. This would also lead to the removal of planting within the site frontage and its replacement with block paving, albeit that much of the site is hard paved already. Notwithstanding the appellant's view that replacement planting could be achieved within the site, the impact of these alterations would be to

introduce a distinctly modern hard surface in stark contrast to the traditional form of the property frontages which is largely in tact on the remainder of the street. This would be to the detriment of the character and appearance of the area.

6. I acknowledge that there are some examples of parking having been created on the frontages in the area but many of them also retain front garden areas, along with the boundary walls and piers. There are very few directly comparable examples nearby and those which are similar are seen as an exception to the general form and appearance of the area, rather than a positive contribution to its character. The Council suggest that these are likely to have been constructed under permitted development rights. This has not been challenged by the appellant and whilst I acknowledge his view that the Council has not taken steps to prevent the exercise of such rights, I have determined the appeal on its own merits.
7. The appellant argues that alteration of the boundary walls could be undertaken as permitted development and that this effectively represents a fallback position. However, this would not overcome other concerns in regards to the creation of a parking area and the appearance of block paving. Furthermore, I am not persuaded that the boundary wall and piers would be removed were it not necessary to facilitate the proposed parking.
8. I note that the development would improve the quality of life of the elderly residents but this does not outweigh the harm that I have identified.
9. I conclude that the development would harm the character and appearance of the street in conflict with Policy QD2 and QD14 of the Brighton and Hove Local Plan (2005) which seek respectively, to emphasise and enhance the positive qualities of the local neighbourhood and to ensure development is well designed with regards to the character of the area. These policies are closely aligned with the aims and objectives of the National Planning Policy Framework which seeks, amongst other things, to secure high quality design that maintains local distinctiveness.
10. In light of the above, and having considered all other matters, including the scope for imposing conditions, the appeal is dismissed.

Michael Boniface

INSPECTOR