



Appeal Decision

Site visit made on 30 September 2014

by Megan Thomas BA(Hons) in Law, Barrister

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

Decision date: 6 October 2014

Appeal Ref: APP/Q1445/D/14/2222712

82 Vale Avenue, Brighton, BN1 8UA

- 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 & Mrs Kevin Rowe against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/00865 dated 10 March 2014 was refused by notice dated 18 June 2014.
 - The development proposed is a vehicle crossover.
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Decision

1. I dismiss the appeal.

Main issue

2. On my site visit, I noted that some works had already been undertaken at the property but they differed from the scheme set out in the plans before me for this appeal. I am obliged to consider the merits of the scheme shown in the plans before me and I have done so.
3. The main issue in the appeal is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is a two-storey semi-detached house situated on a spur of Vale Avenue which leads to a public recreation ground close by. The semi-pair is no.84 and this sits adjacent to the recreation ground. There is an access drive between no.82 and no.80. This drive already has a dropped kerb adjoining Vale Avenue and there is a break in the grass verge to facilitate it.
5. The proposal includes removal of the boundary treatment, raised planter and grass verge at the front of the appeal property. There would be hardstanding extending from the foot of the front elevation to the pavement. The grass verge is shown as proposed dropped kerb. The hardstanding would be about the same width as no.82 and would be on a modest gradient falling towards the house.
6. Along Vale Avenue there are a number of properties which use their front forecourt areas for off-street parking. However, the Avenue retains a reasonably verdant character with grass verges between the pavements and carriageway and with shrubs, hedges and front gardens making a substantial

- contribution to the greenery. The Council has a recent Supplementary Planning Document *Design Guide for Extensions and Alterations* SPD 12 (August 2013) which indicates that, where acceptable, a hardstanding should not normally cover more than 50% of the front garden area, in order to retain a vegetated frontage to the building and street.
7. In this case, whilst acknowledging that there was not a substantial extent of vegetation in the front forecourt area in the recent past, total loss of vegetation in the front forecourt area would result in a harsh appearance to the detriment of the streetscene and this would be exacerbated by the loss of the grass verge between the pavement and road carriageway. The fact that there is also an existing accessway between nos 82 and 80 would enlarge the visual expanse of hardstanding and that would also detract from the verdant appearance of the area.
 8. The proposal to replace the grass verge between the pavement and road at the front of 82 Vale Avenue to allow vehicular access would extend the dropped kerb to a width of about 8.5 metres. This large extension of the dropped kerb would further add to the detrimental impact of the proposed scheme.
 9. The appellant refers to, and has produced photographs of, other hardstandings without any landscaping or vegetation. As I have stated above, I do not consider these dominate the area so as to drive or form its appearance. Furthermore, SPD 12 is a recent document and it may be that earlier decisions by the Council in relation to the creation of hardstandings and dropped kerbs were taken in a different policy context prior to August 2013. I am also concerned that it would be difficult for the Council to resist other similar applications in breach of SPD 12 if this proposed scheme was allowed.
 10. I have borne in mind the difficulties that the appellants sometimes have in parking close to their house and I take note of the safety concerns in relation to their children. However, the scheme would remove grass and greenery which would erode and harm the appearance of the streetscene and this harm outweighs other considerations.
 11. I conclude therefore that the proposed scheme would result in unacceptable harm to the character and appearance of the area and would be contrary to policy QD14 of the Brighton & Hove Local Plan 2005 and to advice in SPD12.
 12. Having taken into account all representations made, I dismiss the appeal.

Megan Thomas

INSPECTOR