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# Appeal Decision

Site visit made on 3 July 2012

**by Elizabeth Lawrence BTP MRTPI**

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

**Decision date: 9 July 2012**

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**Appeal Ref: APP/Q1445/D/12/2176141**

**43 Ainsworth Avenue, Ovingdean, Brighton, BN2 7BG**

- 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 G Payne against the decision of Brighton & Hove City Council.
  - The application Ref BH2011/03187, dated 14 October 2011, was refused by notice dated 4 April 2012.
  - The development is described as proposed external garage and storage structure and alterations to height of existing front boundary wall.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

## Reasons

3. The Appeal site occupies a prominent position within the street scene, on rising ground towards the top of Ainsworth Avenue. The site is particularly prominent in views from the west/northwest, where it is seen against the backcloth of the boundary hedging to the east/southeast.
  4. The front boundaries along Ainsworth Avenue predominantly comprise a mixture of low red brick walls and hedging. The original wall along the front boundary of the Appeal property was consistent with this pattern in relation to its height. Whilst its finish with white painted render was comparatively stark, it matched the finish of the front boundary wall at No.41 and due to its restricted height would not have been unduly prominent within the street scene.
  5. The proposed works to the wall had been partially completed at the time of the Appeal site visit. Due to its height and white painted finish the wall now appears both prominent and stark within the street scene. It has an urbanising impact on the existing spacious and verdant character and appearance of the area. As a result the proposed resultant wall would have a materially
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- detrimental impact on the character and appearance of the street scene and the surrounding area.
6. Whilst there are a number of taller walls in the surrounding area, none are directly comparable to the proposed wall in relation to its position within the street scene, the nature of nearby boundary treatments and the finish of the wall. In addition, the taller walls in the area serve to illustrate the urbanising impact such walls can have on the area.
  7. The proposed outbuilding would be sited uncharacteristically close to the front boundary of the Appeal site and would be isolated from the main house. Although it is proposed that the front boundary hedge would be retained the hedge to the northwest of the proposed building would need to be removed to facilitate access to the garage. As a result the building would be dominant in views from the west/northwest along Ainsworth Avenue, where it would stand proud of all other buildings along that side of the road.
  8. Due to its design, height and mass it would appear unduly bulky, top heavy and incongruous within the street scene. Although it would sit below the existing ground level, the ground level at that point is significantly higher than the pavement and road further to the northwest. As such the height of the building would be emphasised in views from the west/northwest.
  9. In view of the height of the proposed building above the existing ground level it is improbable that the existing boundary hedge along the front and east/southeast boundaries of the site would totally screen it. The future health and height of the hedge is not something that could reasonably be made the subject of a condition. Also, any future occupants of the Appeal dwelling could decide to reduce the height of the hedge to provide a more open outlook from the first floor southeast facing windows in the proposed building. If the hedge were retained at a height of 4.5 metres the outlook from these windows would be directly into the hedge, which would reduce daylight and sunlight within the first floor room.
  10. For these reasons the proposed outbuilding would cause serious and unacceptable harm to the character and appearance of its surroundings.
  11. I conclude that both the proposed outbuilding and the increased height in the front boundary wall would cause significant harm to the character and appearance of the surrounding area. As such the scheme would conflict with policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan. Amongst other things they seek to ensure that new development is well designed in relation to the existing property and the surrounding area.

### **Other matters**

12. Concern has been expressed that the proposed outbuilding would result in the over-looking of the dwelling at No.47. If the boundary hedge to the east/southeast of the Appeal dwelling was reduced to less than 3 metres in height there would be direct views from the proposed stairs and landing area towards the front bay window at No.47, which would be less than 15 metres away and which occupies an elevated position. As a consequence it would result in both perceived and actual over-looking and loss of privacy. To help address this, the stairs and landing area could be conditioned so that they are

only used for access. For this reason, although the scheme could result in some loss of privacy for the occupants of No.47 it would not be significant and would not amount to a reason for dismissing this Appeal.

13. If the front boundary hedge was reduced to less than 3 metres in height the proposed dormers in the adjacent roof-slope would face the dwellings opposite. However in view of the distance between the dormer windows and the dwellings opposite it would not have a materially harmful impact on the living conditions of the occupants of those dwellings.
14. Finally, in assessing the merits of the Appeal scheme the policies in the National Planning Policy Framework (NPPF) have been taken into consideration. However, in light of the facts in this case the NPPF does not alter my findings.

### **Conclusion**

15. Whilst I have found in favour of the Appellant on some points, my conclusion on the main issue amounts to a compelling reason for dismissing this Appeal, which would not be outweighed by the benefits arising from the scheme for the occupants of the Appeal dwelling.

*Elizabeth Lawrence*

INSPECTOR

