



Appeal Decision

Site visit made on 24 October

by **S Holden BSc MSc CEng MICE TPP MRTPI FCIHT**

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

Decision date: 29 October 2014

Appeal Ref: APP/Q1445/D/14/2225423

53 Dene Vale, Brighton, BN1 5ED

- 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 Peter Bjerre Nielsen against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/01879 was refused by notice dated 13 August 2014.
 - The development proposed is driveway and retaining walls with planters to front garden.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed driveway and retaining walls on the character and appearance of the area.

Reasons

3. Dene Vale is an established residential area characterised by semi-detached houses that vary in design. No 53 is paired with No 51. The pair is sited above the road with a significant difference in ground levels between the front elevation and the footway. Both properties are approached by flights of steps. No 53 has a detached, single garage with a steeply pitched roof approached by a short driveway. It is located to the side of the dwelling, but occupies a significant proportion of the area in front of the house. No 51 does not have a garage, but a section of its front garden has been excavated in order to provide parking space for two vehicles. This has required the construction of several retaining walls.
4. The proposal seeks to excavate part of the front garden of No 53 in order to provide two parking spaces for this property. This would necessitate the introduction of retaining walls. The proposed driveway would be constructed on sloping ground to reduce the height of the new wall. However, the distance between the retaining wall and the front elevation of the house would be less than 2m. This would significantly restrict the space available for landscaping resulting in the area in front of the house being dominated by hard-surfacing.
5. The front garden of No 53 is in a prominent position in the street scene. It is directly visible from Barn Rise due to the proximity of its junction with Dene Vale to the site. The additional area of hard-surfacing and retaining wall would

be seen in combination with the existing driveway and the bulk and mass of the garage. This would significantly increase the presence of hard features within the front garden and would be out of keeping with most of the other properties in the street. Many of the houses have areas of hard-standing but have, nevertheless, retained front gardens enclosed by low boundary walls. These features provide a soft edge to the properties and contribute to the character of the street.

6. I note that the existing boundary hedge between Nos 51 and 53 would be retained and it is the appellant's intention to include a series of stepped planters as landscaping. However, I consider this would be insufficient to mitigate the loss of the front garden and its replacement with retaining walls and an area of hard surfacing.
7. I note that the appellant states that the existing garage is too small to accommodate a car and the depth of the existing drive is insufficient to enable a car to be parked on the site. Consequently, parking currently takes place on street. This can lead to congestion in the road, particularly at school drop-off times. The proposal could provide some benefit from a reduction in on-street parking. However, I consider this would be insufficient to justify setting aside permanent harm to the area's character and appearance.
8. I therefore conclude that the proposed driveway and retaining walls would be harmful to the character and appearance of the area, contrary to saved Policies QD2 and QD14 of the Brighton & Hove Local Plan. These policies require alterations to be high quality and respect their setting.

Conclusion

9. For the reason set out above, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR