



# Appeal Decision

Site visit made on 7 December 2009

by **David Prentis BA BPI MRTPI**

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

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**Decision date:**  
**15 December 2009**

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## Appeal Ref: APP/Q1445/D/09/2115379

### Wayfaring Down, 9 Longhill Road, Ovingdean, Brighton BN2 7BF

- 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 Mrs Louise Phillips against the decision of Brighton & Hove City Council.
- The application Ref BH2009/01582, dated 1 July 2009, was refused by notice dated 27 August 2009.
- The development proposed is described as: (1) (a) erection at rear of property of new detached garage with room in roof; (b) associated alterations to existing boundary wall facing Ainsworth Avenue; and (2) replacement of boundary wall facing Longhill Road and installation of new gates.

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## Decision

1. I allow the appeal, and grant planning permission for (1) (a) erection at rear of property of new detached garage with room in roof; (b) associated alterations to existing boundary wall facing Ainsworth Avenue; and (2) replacement of boundary wall facing Longhill Road and installation of new gates at Wayfaring Down, 9 Longhill Road, Ovingdean, Brighton BN2 7BF in accordance with the terms of the application, Ref BH2009/01582, dated 1 July 2009, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

## Main issues

2. The Council has no objections to the proposed alterations to the boundary walls and installation of new gates and I see no reason to disagree. The main issue is the effect of the proposed garage on the character and appearance of the area.

## Reasons

3. The appeal site is located in a residential area characterised by detached dwellings of varied architectural styles. Whilst the front of the appeal property faces Longhill Road, the plot also has a boundary with Ainsworth Avenue at the

rear. The land falls steeply from front to back so that the house is set well above the level of Ainsworth Avenue. Part of the rear garden, adjoining the house, is at a similar level and is supported by a substantial retaining wall. The garage would be constructed within an existing parking area at a lower level with an access from Ainsworth Avenue. It would have a half-hipped pitched roof. Dormer windows facing the front would add some visual interest. Subject to appropriate facing materials, which could be controlled by a condition, I find this design to be entirely appropriate for an ancillary domestic building.

4. As seen from Ainsworth Avenue, the main house would remain as the dominant feature due to its scale and elevated position. The submitted section drawing shows that the garage would be sited at a level a little below the footway to Ainsworth Avenue. Its eaves would be approximately level with the top of an existing boundary wall, below the level of the garden retaining wall. It would be set some 6m back from the site boundary close to the garden retaining wall. Consequently, whilst the upper level would be clearly visible from the street, I do not consider that it would appear unduly prominent or that it would harm the open character of Ainsworth Avenue. I conclude that the proposed garage would not result in any harm to the character and appearance of the area. I find no conflict with Brighton and Hove Local Plan 2005 Policies QD1 and QD2 which together seek good design, having regard to the height and scale of existing buildings and to topography.

*Other matters*

5. A neighbour is concerned that the scheme is intended to achieve a small house on the plot. However, any such proposal would require planning permission in its own right.
6. I have considered all other matters raised but find nothing to alter my conclusions. For the reasons given above, the appeal should succeed.

*David Prentis*

Inspector