



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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
16 December 2009

Appeal Ref: APP/Q1445/D/09/2115695 22 Hartfield Avenue, Brighton BN1 8AE

- 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 Paul Salucci against the decision of Brighton & Hove City Council.
- The application Ref BH2009/01809, dated 27 July 2009, was refused by notice dated 17 September 2009.
- The development proposed is a new detached garage.

Decision

1. I dismiss the appeal.

Main issue

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

Reasons

3. The appeal property is located in a suburban residential area characterised by semi-detached houses. The character of the area is much influenced by its sloping terrain. The appeal property, together with other houses on the same side of the road, is set at a level well above Hartfield Avenue. The houses are set back from the road with predominantly open front gardens bounded by low retaining walls. This layout results in an open and spacious character.
4. The proposed garage would be just 0.9m from the back edge of the footway. In a less prominent location its steel door and flat roof would be unremarkable. I note that the flank walls would be partially hidden by the rising ground on either side and that the proposed brickwork would match the existing house. Nevertheless, it is my opinion that, in this very prominent location, the garage would appear as a stark and utilitarian structure. Moreover, the back of the garage would be relatively close to the house and its roof would be at a level similar to the ground floor window sills. I consider that the garage would dominate the front garden resulting in a cramped effect.
5. The appellant argues that the garage would be partially screened by a hedge on the boundary with the adjoining property. However, I do not think that a garden hedge can be relied on as a permanent feature. In any event, the hedge would only provide screening from certain angles.

6. My attention has been drawn to various examples of flat-roofed garages in the locality. Not all of these are comparable with the appeal scheme in that they are sited alongside houses rather than in front gardens. There are 3 examples within Hartfield Avenue which I regard as broadly comparable. The Council has explained that all of these gained planning permission in the 1960s, well before current planning policies were in place. Consequently, I do not think that these planning decisions set a precedent for the current appeal. Whilst the 3 garages undoubtedly have an impact on the street scene, to my mind the prevailing character of Hartfield Avenue is the open character I have described above. I saw that there is a concentration of similar garages in part of Lyminster Avenue but these examples do not form part of the immediate setting of the appeal site and I therefore attach only limited weight to them.
7. I conclude that the proposal would result in an unduly prominent feature which would detract from the open character and appearance of the area. It would be contrary to Brighton and Hove Local Plan 2005 Policy QD1 which states that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment. It would also be contrary to Policy QD2 which states that developments should take account of local characteristics, including the layout of streets and spaces.
8. I note that there have been no objections from neighbouring residents but have formed my own assessment of the proposal, having regard to the development plan. I have considered all other matters raised but find nothing to alter my conclusion.

David Prentis

Inspector