



Appeal Decision

Site visit made on 26 January 2010

by **Michael Say** BA DipTP MRTPI

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

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Decision date:
29 January 2010

Appeal Ref: APP/Q1445/D/09/2117941

120 Hawkhurst Road, Coldean, Brighton, East Sussex BN1 9EA

- 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 Lee McDavitt against the decision of Brighton & Hove City Council.
- The application Ref BH2009/01569, dated 13 June 2009, was refused by notice dated 12 October 2009.
- The development proposed is the construction of a hard stand for car parking.

Decision

1. I dismiss the appeal.

Main issues

2. The main issues in this case are the effect of the hard stand and its use for vehicle parking on the appearance of the street scene, and the impact on the outlook from the neighbouring residential property.

Reasons

3. The appeal property is a semi detached house located close to the junction of Hawkhurst Road and Beatty Avenue. With the other half of the pair, 115 Beatty Avenue, it sits substantially below the level of Hawkhurst Road, the front gardens sloping down steeply towards the houses. As a result, the proposed hard stand, which has been largely constructed, sits just below the eaves level of the houses, around 10 metres from their front facades.
4. Along the back edge of the public footway there is a fence around a metre high on the boundary of the appeal property, with gates of similar height in front of the hard stand. This boundary treatment provides an effective screen to the hard stand from the public domain, supplemented by established vegetation in and around front gardens either side of the appeal property. Whilst the upper part of a vehicle parked on the hard stand would be visible above the fence, this would not, to my mind, appear incongruous when viewed from the highway. I conclude that the proposal would not have a harmful effect on the street scene, and would not, in this respect, conflict with development plan objectives.
5. Viewed from 115 Beatty Avenue, the hard stand sits in a very elevated position, adjacent to the common boundary. Fence panels have been erected along part of this boundary, which reduce its visual impact. However, with a vehicle parked on it, it would appear dominant and somewhat incongruous in

views from the neighbour's property, and would impinge to a harmful degree on the outlook from that property. Policy QD 27 of the Brighton & Hove Local Plan, adopted in 2005, seeks to protect the living conditions of neighbouring residents from the effects of development and I conclude that the proposal would have an unacceptably harmful impact on the outlook from the neighbouring property, contrary to the requirements of the policy.

6. In support of the appeal, the appellant has emphasised the traffic danger he considers exists at the road junction, contending that there would be a safety benefit in getting a car off the road. However, the creation of a new access close to the junction, with vehicles forced to reverse into or out of the site with limited visibility would, in my judgement, negate any benefit which might accrue from the reduction in on street parking demand.
7. I note that the appellant would consider the possibility of reducing the height of the structure or changing its use to a bin stand and flower garden/rockery. However, these are not matters which are before me for consideration and they have not, therefore, affected my decision.

Conclusions

8. I consider that the harm I have identified in respect of the impact on the outlook from the neighbouring property is a compelling reason to refuse planning permission which outweighs my finding regarding the acceptability of the effect on the street scene.
9. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be dismissed.

M.A.Say

INSPECTOR