Appeal Decision

Hearing held on 4 December 2007

Site visit made on 4 December 2007

by Elizabeth Lawrence BTP MRTPI

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

The Planning Inspectorate
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Decision date:
9 January 2008

Appeal Ref: APP/Q1445/A/07/2034449/NWF
Land to the rear of 197 Old Shoreham Road, Portslade, Brighton, BN41 1XR.

- 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 W P & V Bradford against the decision of Brighton & Hove City Council.
- The application Ref BH2006/02419, dated 18 July 2006, was refused by notice dated 13 September 2006.
- The development proposed is described as Erection of 2 storey block of 4 flats – Resubmission of BH2006/00150.

Decision

1. I dismiss the appeal.

Main issues

2. The first main issue is the effect of the proposal on highway safety. The second main issue is the effect of the proposal on the living conditions of the occupiers of 197 Old Shoreham Road.

Reasons

3. Old Shoreham Road is a busy Class A distributor road, which has 4 undivided lanes and a pelican crossing in the vicinity of the appeal site. There have been a number of reported highway injury accidents along this stretch of Old Shoreham Road, most notably in the vicinity of road junctions. Currently the driveway at the side of No.197 serves at least one of the existing flats at that property. It has no on site turning facilities and is not of sufficient width to enable 2 vehicles to pass each other. As a consequence vehicles have to either reverse into or out of the driveway.

4. The proposal makes no provision for on site parking or vehicle access to serve either the existing occupants at No.197 or the occupiers of the proposed flats. Indeed vehicle access would be prevented by the installation of railings along the road curb, leading up to the pelican crossing, which could be secured through the imposition of a condition. The Appellant states that the existing occupants of No.197 could park in nearby streets and that the occupants of the proposed flats would not have cars. There is very good access to public

transport and the site is within easy walking and cycling distance of a range of community facilities.

5. I consider that the occupants of the proposed flats would be equally likely to have cars, as the occupiers of No.197 and whilst there are on-street parking controls along Old Shoreham Road, there are few on-street parking controls within nearby roads. I made several visits to the site at different times of the day and on each occasion I was able to find available on-street parking in nearby roads. As such I do not consider that the absence of on-site parking and the parking restrictions along Old Shoreham Road would ensure that the development remained car free. I understand that there are no plans to make this particular area subject to on-street parking controls. As a result the development would materially add to pressure for on-street parking and in particular close to nearby road junctions with Old Shoreham Road.

6. In addition, the proposal makes no provision for service vehicles, which by the nature of their use would likely be parked as close to the site as possible. Similarly due to the topography of the area and the distances involved the occupants of the proposed flats would likely not wish to carry bulky items too far and could be tempted to park illegally along the highway close to the site. This would add materially to highway safety issues along Old Shoreham Road, near junctions and the pelican crossing. At the same time, whilst essentially a private matter, any illegal parking within the library car park could result in additional pressure for on-street parking in nearby streets.

7. I consider that to require a legal agreement or to impose a condition, which prevents car ownership/use would be unreasonable to impose outside an area with complimentary on-street parking controls, irrespective of the fact that it would be extremely difficult to enforce. For the reasons given above it is not a site which could reasonably be expected to comply with policy HO7 of the Local Plan which facilitates car free housing in certain circumstances.

8. Whilst I consider that the stopping up of the existing access and the provision of guard rails along the road curb would bring about a highway safety improvement, this would be outweighed by the consequences of providing no parking or service vehicle access to serve both the existing and proposed flats. Also, whilst there are many homes within the area, including along Old Shoreham Road without on-site parking facilities, the majority have existed for many years and it is not a good reason for justifying a development which would be detrimental to highway safety, having regard to the current highway circumstances.

9. As a result of these factors I conclude on this issue that the proposal would have a detrimental and unacceptable effect on highway safety, contrary to policies TR1, TR2, TR7 and QD27 of the Brighton & Hove Local Plan 2005. Amongst other things these policies seek to ensure that proposals provide for the travel demand they create, do not have an adverse effect on highway safety or are otherwise liable to be detrimental to human health.

10. In relation to the living conditions of the occupiers of the ground floor flat at No.197, the occupants of the proposed flats would have to pass by their side door and windows to gain access to their homes. Having regard to the width

of the access drive, the level of background noise generated by traffic and the modest size of the proposed development I do not consider that this would materially detract from their living conditions in relation to noise and disturbance. There is no reason to believe that the occupants of the flats would make more noise at night than persons walking along the pavement, immediately to the front of Nos. 197 and 199. If some form of separation between No.197 and the access was considered appropriate there is ample room at the side of the property to construct a fence/wall or porch and the clear glazing in the side door could be replaced with obscure glazing. These things are capable of being secured through the imposition of a condition.

11. For these reasons I conclude on this issue that the proposal would not materially harm the living conditions of the occupiers of No.197 due to noise, disturbance or loss of privacy. In this respect the proposal would comply with policy QD27 of the Local Plan which seeks to protect the living conditions of existing residents.

12. In accordance with Planning Policy Statement 1 (PPS1) - *Delivering Sustainable Development,* PPS3 - *Housing* and policies QD3, HO3 & HO4 of the Local Plan, I fully acknowledge the need to make effective use of land within settlements, to seek greater intensity of development and a variety of dwelling types. However this has to be balanced with the need to respect and to ensure that developments do not compromise the quality and safety of the environment. In this instance I conclude that my highway safety concerns would outweigh the benefits of the scheme.

Elizabeth Lawrence

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr P Bradford	Appellant
Mr S Bareham BSc (Hons) Dip TP MRTPI	Lewes & Co Planning SE Ltd., 82 Church Road, Hove, East Sussex, BN1 2EB.
Mr P Waller C.Eng MICE MCI WEM	The Civil Engineering Practice, 11, Tungsten Building, George Street, Fishersgate, Brighton, BN41 1RA.

FOR THE LOCAL PLANNING AUTHORITY:

Mr P Earp	Senior Planning Officer
Mr S Reeves	Principal Transport Planning Engineer

INTERESTED PERSONS:

Mrs J Hugall	Jubilee Library, Jubilee Street, Brighton BN1 5BL.

DOCUMENTS

1 Record of attendance
2 Hearing Notification letter
3 Brighton & Hove Local Plan – Policy HO7

PLANS

A Street map of locality

APPEARANCES

FOR THE APPELLANT

Mr M Pickup	Town & Country Planning Solutions, Sandhills Farmhouse, Battle Street Green, East Sussex BN27 4QU.
Mr J Bohling	OSP Architecture, Rosemount House, Rosemount Avenue, West Byfleet, Surrey KT4 6LB.
Mr P Waller	The Civil Engineering Practice, 11 Tungsten Building, George Street, Fishersgate, West Sussex BN41 1GP.
Mr R Taylor	Representing the Appellant company.
Ms G Taylor	Representing the Appellant company.

FOR THE COUNCIL

Mr P Earp	Planning Officer, Brighton & Hove City Council.
Mr A Glover	Economic Development Officer, Brighton & Hove City Council.

INTERESTED PERSONS

Mr S Warmer-Strange	Brighton & Hove City Council (local member).
Ms I Peel	6 Symbister Road, Portslade BN41 1GP.

DOCUMENTS

Document 1	Council letter giving notification of hearing arrangements.
Document 2	Aerial photograph of the appeal site and surrounding area.
Document 3	Extracts from Council PAN 03 Accessible Housing & Lifetime Homes.
Document 4	Appellant's costs application.

PLANS

Plans 1- 7	Application plans numbered 0661 S01, S02, S03, P01, P02, P03 and P04A.