



Appeal Decision

Site visit made on 26 February 2009

By David J Rose BScEcon MA HonMRTPI

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

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**Decision date:
20 March 2009**

Appeal Ref: APP/Q1445/A/08/2092326 102 Marine Parade, Brighton BN2 1AT

- 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 and Mrs K McClymont against the decision of Brighton and Hove City Council.
- The application Ref BH2008/00774, dated 26 February 2008, was refused by notice dated 28 October 2008.
- The development proposed is external paving to provide parking/access drive (retrospective).

Decision

1. I dismiss the appeal.

Main issues

2. This is whether the proposed development would preserve or enhance the character or appearance of the East Cliff Conservation Area.

Reasons

3. The appeal site comprises the front garden area of an end of terrace property. The terrace of three properties 102, 103 and 104 Marine Parade are Grade II listed buildings. There is vehicular access from Burlington Street, to the west by 102, to parking to the front of 103 and 104. This requires using an access way in front of 102 that was granted planning permission and listed building consent in 1999 (Refs: BH/1999/02481/FP and 02482/LB). The permission included the installation of entrance gates and pillars (to Burlington Street) and alterations to the front garden and accepted that a small area of extra paving for parking was appropriate in this location. My understanding is that although the entrance gates were not constructed, some landscaping took place of the front garden of 102 and the area of paving for that access way was laid shortly after those 1999 approvals. This was constructed of grey coloured herringbone block paving.
4. In 2007, planning permission was granted to provide a paved parking area for 104 whilst retaining much of its garden area. This approval followed an assessment by the City Council that the garden is a positive feature of the area and serves as a garden for all three of the properties – regardless of ownership – and that a uniform scheme with a minimal paved area was appropriate. A condition was placed on that permission (Ref: BH/2007/03215) which required the paving to match that already laid down for the access way. Previously, paving of the parking area for 102 (now

before me for consideration) had already been undertaken but of an orange colour, markedly different to the grey of the access way. I am clearly of the view that the application before me has paving which contrasts strongly with both the 1999 access and the parking area at 104. Additionally, the parking area for 102 extends a little deeper into the garden and is wider.

5. The Council have not provided me with an appraisal of the Conservation Area but have suggested there are a number of private gardens, squares and enclosures along Marine Parade which soften the boundary between buildings and the road and are a historical feature of the Conservation Area. They have also maintained that large areas of hard standing to the front are not characteristic of the properties and that there is a strong precedent along Marine Parade to have a large expanse of soft landscaping in front of buildings. Having looked at the fronts of various of the buildings in this part of Marine Parade, I have observed that the grassed area in front of 102 to 104 is a distinctive feature in comparison to the other properties which are either located closer to the public highway with a small front garden or set around crescents with small front gardens and vehicle turning/parking between the properties and Marine Parade. To my mind, the limited paving of the front garden to 102 to 104 with a significant grassed area is part of the character of the area.
6. Lockable bollards have been installed to limit access to the parking for 102 and a dwarf wall erected to separate the parking spaces at 102 from the others. Although, these features are not easily viewed from outside the front area to 102 to 104, I consider that they are not in keeping with the setting of the group of 3 buildings and would establish an undesirable precedent for the area.
7. I note that this is an area with a strong demand for parking and appreciate that there is a prospect of unauthorised use of the parking spaces. Nevertheless, to my mind there would be less visually intrusive ways of restricting access to those spaces than the 4 retractable posts which have been inserted into the hardstanding.
8. I conclude therefore that the extent and colour of the external paving and the presence of the dwarf walls and retractable posts at 102 Marine Parade would not preserve or enhance the character or appearance of the East Cliff Conservation Area. As such the development would be contrary to Policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan 2005 (the Local Plan). It would also have an adverse impact on the setting of a listed building contrary to Local Plan Policy HE3
9. I therefore conclude for the reasons given above and having regard to all other matters raised that the appeal should be dismissed.

David J Rose
INSPECTOR