



Appeal Decision

Site visit made on 24 July 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th August 2019

Appeal Ref: APP/Q1445/D/19/3225875

22 Locks Hill, Portslade BN41 2LB

- 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 Gillian Ayling-Marmont against the decision of Brighton and Hove City Council.
 - The application Ref BH2018/03326, dated 29 October 2018, was refused by notice dated 18 January 2019.
 - The development proposed is to put in a dropped kerb for parking.
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Decision

1. The appeal is allowed and planning permission is granted to put in a dropped kerb for parking at 22 Locks Hill, Portslade BN41 2LB in accordance with the terms of the application, Ref: BH2018/03326, dated 29 October 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Block Plan and Proposed Plan.

Procedural Matters

2. Notwithstanding the description of development on the Council's decision notice, it is unequivocally clear from the description of development on the original application form that the application relates solely to the installation of a proposed dropped kerb at the property. As such, I have dealt with the appeal on that basis.
3. The National Planning Policy Framework was revised in February 2019 (the Framework). I have taken the Framework into account as part of the determination of this appeal.

Main Issue

4. The main issue is the effect of the development upon the character and appearance of the area.

Reasons

5. The appeal property is a two-storey terraced dwelling located on the western side of Locks Hill. The property is set back from the highway by approximately

5 metres. A brick wall, which formerly enclosed the front garden has been demolished and the front garden has been paved with block pavements to provide an area for off-street parking, which was in use on my site visit. To provide formal access to the off-street parking area, it is proposed to construct a dropped kerb on Locks Hill.

6. The surrounding area has an urban character. On the western side of Locks Hill, there are residential properties and on the eastern side there is a church and several schools. The residential properties are predominately terraced and set back from the highway behind modest front gardens.
7. The front gardens are typically enclosed by low brick walls of a consistent height and most feature a degree of soft landscaping. I noted on my site visit that some of the original boundary walls have been replaced with fencing of a comparable height. The appeal site is located within a terrace of eight dwellings; with the exception of the appeal site, all of the properties have enclosed front gardens. The enclosed nature of the front gardens, consistent height of boundary treatments and presence of soft landscaping contributes positively to the local distinctiveness of the area.
8. Whilst the unenclosed and hard surfaced nature of the front garden is not in keeping with the character and appearance of other terraced properties on the western side of Locks Hill, I am mindful the Council have confirmed that the demolition of the boundary wall does not require planning permission. In addition, based on my site observations, the driveway appears to have been constructed from a permeable surface and therefore in the absence of any evidence to the contrary, it is probable that the works are permitted development (the Council have confirmed that the area is not subject to any Article 4 Directions). Consequently, regardless of the outcome of this appeal, it is indisputable that the unenclosed and hard surfaced nature of the front garden would remain, and the appellant could continue to use the area for off-street parking.
9. The proposed dropped kerb would result in a very minor change to the kerbside outside the appeal property, which would have no discernible impact upon the local distinctiveness of the area. As such, I conclude that the development would preserve the character and appearance of the area and thus the development accords with Policy QD14 of the Brighton and Hove Local Plan (retained policies March 2016) which amongst other things requires alterations to existing properties to be well designed in relation to the surrounding area.

Conditions

10. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty.

Conclusion

11. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Christopher Miell
INSPECTOR