



Appeal Decision

Site visit made on 21 October 2020

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/Q1445/D/20/3251351

1 Thornbush Crescent, Portslade BN41 2GW

- 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 Barry Williams against the decision of Brighton and Hove City Council.
 - The application Ref BH2019/03734, dated 17 December 2019, was refused by notice dated 28 February 2020.
 - The development is the erection of detached garage on communal parking area to rear of property.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of detached garage on communal parking area to rear of property at 1 Thornbush Crescent, Portslade BN41 2GW in accordance with the terms of the application, Ref BH2019/03734, dated 17 December 2019, and the plans submitted with it.

Main Issue

2. The main issues of this appeal relate to works already carried out and are:
 - the effect on the character and appearance of the local area; and
 - the effect on the function of the parking area and other users.

Procedural Matters

3. As the description of development varies between the documents submitted for the purpose of this appeal, I have used the description of the development from Brighton and Hove City Council's Decision Notice and the appellant's Grounds Of Appeal Statement, as it has been used by both parties and accurately describes the garage development.

Reasons

Character and appearance

4. The detached flat roofed single storey garage to which the appeal relates is located in a communal parking court, situated beyond the rear of 1 Thornbush Crescent (No 1) and an access path at the rear of this and neighbouring properties. The local area is an estate of clusters of similar sized terraced and

semi-detached houses, with residents parking in parking courts that are interspersed between the clusters of houses.

5. The garage in question is the only garage to have been built in this parking court and there are other parking courts nearby that have no garages. However, there are also other parking courts in the local area of the estate that have had all or some of the parking spaces developed as garages. These garages all seem to be single storey with flat roofs and appear to have been developed individually at different times.
6. Although the garage constructed at the rear of No 1 is the only garage in this parking court, the visual impact on the local area is no greater than that of a large parked vehicle and matches, in form and detail, the type of garage developments to be found in other parking courts within the estate.
7. The single storey garage is visually unobtrusive within the context of the parking court located behind rear gardens of neighbouring houses and reflects the type and pattern of garage development to be found in the local area. I find therefore that the garage does not cause harm to the character and appearance of the local area.

Function of the parking area

8. The appellant has set out that the garage occupies an area of the parking court allocated to them, although wider than the width of a standard car parking space. However, I have nothing before me that indicates that the garage leaves less parking space than allocated for other users of the parking court.
9. Having visited other parking courts of similar size in the local area, that have garages, these seem to be operating effectively, with space between garages and parking spaces that allow for effective manoeuvring and access to cars, parking spaces and garages. There is nothing before me to indicate that the development of the garage at the rear of No 1 would have an effect on the function and users of the parking court, that would be different from that I have identified in other parking courts with garages elsewhere in the local area.
10. I find, therefore, that the development of the garage is not detrimental to the amenity of other users and is not harmful to the effective functioning of the parking court.

Other Matters

11. In its decision notice the council raised the issue that the development of the garage would create a precedent. However, my findings in this appeal must be based only on the individual planning merits of the development before me. The circumstances of other applications would be likely to be different and proposals for elsewhere within the locality would be assessed in the light of the factors relevant to them. Therefore, I consider the concern about precedent does not offer a basis for dismissing the appeal.

Conditions

12. As the development has been completed in accordance with the terms of the application and the plans submitted with it, it is not necessary to impose the standard time limit condition for implementation, and I note the Council have

not provided a list of conditions recommended to be imposed upon the grant of planning permission.

Conclusion

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

Victor Callister

INSPECTOR