



Appeal Decision

Site visit made on 31 March 2021

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2021

Appeal Ref: APP/Q1445/W/20/3263444
60 Old Shoreham Road, Brighton, BN1 5DD

- 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 Mabel Linley against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/01715, dated 12 May 2020, was refused by notice dated 2 October 2020.
 - The development proposed is the creation of a driveway to front with vehicle crossover.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions for neighbours.

Reasons

Living conditions

3. The appeal property is terraced three storey building in residential use with a self-contained basement flat having a narrow entrance and lightwell area to the front in a garden area which otherwise rests with the other home. The property faces a busy main road with 'no parking' yellow lines, typical residential side streets are nearby. The proposal is to remove a stretch of front garden wall and some planting and via a new vehicular crossover have an ability to use the front garden for the parking of one vehicle which would fit, even if an average sized car, fairly tightly between the back edge of the footway and the lightwell extremity.
 4. It is this tight and elevated relationship which concerns me. A car here could be described as stridently sitting above the main frontage of the basement flat. It would add a sense of oppressiveness and make for a very uncomfortable relationship. There would be a feeling of being hemmed-in and with the car on the south side of the front window there would be some
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shadowing and light impacts. There would be unavoidable proximate coming and going disturbance. Furthermore there could be exhaust or engine noises, albeit there is background road noise to be heard.

5. I refer to the exhaust and engine noise aware that this is quite likely not to apply with the present Appellant who states she wishes to use an electric vehicle. Indeed, a key justification, along with making the case on convenience and safety, is the aim to have on-site electric charging ability. I take this point and give it a degree of weight.
6. The question of how to deal with electric vehicle charging in areas such as this is a strategic and difficult one. It may need greater collective public or private initiatives because it is quite clear that convenience of charging and the sustainability merits attached thereto should not automatically trump other planning factors such as immediate environmental amenity or social benefit; these must form part of any sustainable development equation and planning balance. In my opinion, in this instance, I give greatest weight to the loss of amenity which would be caused to the occupiers of the basement flat whether or not the car to be parked in front of it was an electric one.
7. Brighton & Hove Local Plan Saved Policy QD27 is relevant. Amongst other matters it seeks to ensure that new development would protect residential amenity for neighbours. Given the foregoing I would conclude that the appeal scheme would conflict with this policy.

Other matters

8. I appreciate that there are a considerable number of on-site parking areas along this stretch of road and some of these may have a similar relationship to basements flats as the case in hand; many, because of levels or dimensions, did not. However, I have no knowledge of the planning background to these cases, or ownerships of the curtilages; there were often physical variations; any unsatisfactory arrangement should not be a benchmark or cited as a precedent; and in any event I must assess the case before me on its own merits and in the light of prevailing planning policy.
9. I recognise that the occupant of the basement flat did not object to the scheme but I have to consider the quality of amenity offered by this property for the long term and to be enjoyed by future residents.
10. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.
11. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policy which I cite mirrors relevant objectives within that document.

Overall conclusion

12. For the reasons given above I conclude that the appeal proposal would have unacceptable effects on living conditions for neighbours. Accordingly, the appeal is dismissed.

D Cramond
INSPECTOR