The Planning Inspectorate

Appeal Decision

Site visit made on 12 October 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 02 November 2021

Appeal Ref: APP/Q1445/D/21/3276471

219 Nevill Road, Hove BN3 7QP

- 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 Jones against the decision of Brighton and Hove City Council.
- The application Ref BH2021/01012, dated 19 March 2021, was refused by notice dated 13 May 2021.
- The development proposed is the terracing of rear garden to include new retaining wall fronting Goldstone Way, new raised patios and levelling of grass area

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development upon the character and appearance of the appeal site and the locality.

Reasons

3. The appeal site consists of a semi-detached dwelling which fronts Nevill Road, whilst its rear garden and rear boundary fronts Goldstone Way. The topography of the area is quite varied and appears to rise and fall from West to East, with Goldstone Way being at a lower ground level than Neville Road. Whilst Neville Road has larger two storey semi-detached properties; Goldstone Way has single storey properties with an under croft to the front of properties to the western side, whilst the opposite side of Goldstone Way contains single storey properties with an under croft typically to the rear which follows the fall of the land.

4. The adjoining dwellings from No's 219 to 229 (odd) have similar characteristics to the appeal site in that all of these properties also have their rear boundary fronting Goldstone Way. Whilst some of these properties have large retaining walls to the rear boundaries, others are set in and tend to be reduced in height the further south along Goldstone Way. The dwelling immediately adjoining the side boundary of the rear garden of the appeal site is No.34 Goldstone Way, a single storey dwelling with accommodation in the roof space and under croft. Further south from No.34 are smaller dwellings with small front garden boundary walls where the general local distinctiveness and character of the area consists of low boundary front walls which give a sense of openness in and around the dwellings, small front gardens, many of which have driveways to a small under croft. Vegetation present to front gardens assists in presenting a leafy character where the topography of the street scene presents a very

obvious character in terms of how the buildings are placed and interact with the land. These are some of the positive attributes that assist in reinforcing the qualities of local character and distinctiveness of the area.

5. According to the Council's measurements, the proposal would result in a 3.3 metre tall concrete blockwork wall an additional timber close boarded fence of 1.3 metres giving an overall height of 4.6 metres. The boundary wall would present a very defensive appearance which would not respond well to the positive characteristics of the area. The appearance of the wall and its juxtaposition with the neighbouring boundary wall of No.34 would also present an awkward relationship between the two properties.

6. There are comments in the applicant's Statement of Case (SoC) with regards to the larger neighbouring walls to the opposite side, where it is acknowledged that there is no uniform appearance. I have not been presented with details as to the other walls along Goldstone Way, some appear to be old enough to be original construction and it is unclear whether the others do have planning consent. The appearance of these walls does illustrate the defensive appearance of walls of such height and their impact towards the character and appearance of the street scene. Whilst neither of the neighbouring walls adjoin a smaller residential property fronting Goldstone Way (like the appeal site); the presence of these walls does not provide adequate justification to cause further harm to the character and appearance of the street scene.

7. I am also sympathetic to comments around the applicant's desires to utilise this piece of land and have it as a useable space for their family, given that the site in the past according to the applicant has been used for fly-tipping. However, the proposal may not be the only way of accommodating such desires which may be more appropriate additions within the street scene.

8. Consequently, and in conclusion of this matter, the proposed scheme would cause adverse harm to the character and appearance of the locality and be contrary to the Brighton & Hove City Plan Part One (CP) Policy CP12 which seeks to raise the standard of architecture and design which establishes a strong sense of place by respecting character and urban grain.

9. The Reason for Refusal in the Council's Decision Notice refers to saved policy QD14 of the LP. This policy concerns extensions and alterations to existing buildings which is not relevant to the consideration of a boundary wall within the rear garden of the dwelling. As such, this policy is not relevant to the consideration of this appeal.

Conclusion

10. For the reasons given above, the appeal is dismissed.

J Somers

INSPECTOR