



Appeal Decision

Site visit made on 17 August 2023

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2023

Appeal Ref: APP/Q1445/D/23/3325461
7 Meadow Close, Hove, BN3 6QQ

- 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 Saaïd Abdulkhani against the decision of Brighton & Hove City Council.
 - The application Ref BH2022/02886, dated 12 September 2022, was refused by notice dated 20 April 2023.
 - The development proposed is the formation of front and side boundary walls.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal scheme has been partially constructed; this does not alter the way in which I assess its merits.

Main Issues

3. The main issues are the effect of the proposal on a) the character and appearance of the locality and b) on the safety of pedestrians and road users.

Reasons

Character and appearance

4. The appeal property is a two-storey detached home recently re-modelled from a traditional suburban design to a more modern appearance. It lies within a cul-de-sac of generously proportioned properties which, in the main, have good sized gardens and all come together to create an established residential character and a pleasing spacious air with soft landscape a key part of this. The proposal is for front and side boundary walls in white painted render with railings in-between piers with parts of the scheme running up to over 2 metres in height.
 5. I touch on the spaciousness of the locality above and one of the contributing factors to this is the largely open-to-view front gardens found on most properties. Low front boundaries and a variety of soft landscape towards the front and further into the plots leads to a 'green scene'. This is added to by an undeveloped landscaped island in the central part of the road. The overall scene is verdant. Regrettably the appeal proposal is of marked incongruity to the pleasing visual qualities of the area. It is unduly strident and harsh being of too great a scale and jarring on the eye. The scheme is of excessive run and
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height, in bright non-traditional finish, and overly enclosing the frontage and impinging upon the public scene. This dominant development detracts from the inherent and pleasing character of the Close.

6. I appreciate that vehicles themselves, on the appeal property's frontage, would be largely screened from view and that there has been works and further intention to include some soft landscape at parts of the perimeters. However, the fact remains that the vast majority of the frontage is shown to be hardstanding. The lack of ability to provide any significant planting to mirror the softer suburban scene found in most local front gardens is also of concern to me.
7. Policy CP12 of the City Plan Part One and Policies DM18 and DM21 of the City Plan Part Two (CP2) are relevant. Taken together and amongst other matters, these policies seek well designed and suitably scaled development that should protect the character, the visual quality and the local distinctiveness of an area, embody suitable materials, generally have architectural merit, and be of suitable design given local context. In all the circumstances I conclude that the appeal scheme would conflict with these planning policies. It would also run contrary to the relevant aesthetic objectives of the Council's 'SPD12' document which looks in some detail at design guidance for alterations with the aim being to achieve good quality schemes.

Safety

8. The Council is concerned that the appeal scheme, by reason of the proposed height of the boundary and pillars at the front of the site, would be unsafe to pedestrians and road users because of inadequate visibility. The Appellant points to Meadow Close being a cul-de-sac with a very low level of pedestrians and traffic movement and slow speeds due to the short stretch of the road. The case is made that the entrance to the site is wide and offers good visibility splays so that the likely hazards to pedestrians or other cars is very low.
9. I assess that this is a low trafficked stretch of road and footway for vehicles, pedestrians and cyclists; it is a relatively short cul-de-sac and cars will almost certainly not be driving fast. Nevertheless, I do not see these factors as reasons to set aside the sensible aim of securing a safe environment for when people are using the Close. Contrary to the Appellant's opinion I observed the site entrance to be relatively narrow and I am in no doubt that the tall pillars in their positions would unduly impinge upon visibility for exiting motorists. There would also be some interference with clear visibility from the neighbouring driveway. The Council's normal visibility requirements for the interface of a driveway with highway land would not seem overly onerous to me and in my opinion there should be compliance in this instance; I fail to see it as any special case.
10. In the circumstances I conclude that there would be conflict with CP2 Policy DM33 and pertinent parts of SPD12 which, taken together and amongst other matters, seek to secure safe environments for pedestrians, cyclists and vehicle users generally.

Other matters

11. I do understand the Appellant's wish to modernise the property as a whole including its garden, to draw upon some matching materials, and improve privacy to a degree, and I recognise that variety can at times add interest and quality to an area. However, in this instance it is a sense of traditional suburban polite consistency which is key to a pleasing streetscene. I do concur that there are examples of forecourt parking locally albeit I noted few, if any, are of the scale proposed. The locality's character is partly formed by significant front garden soft landscape generally prevailing.
12. On highway safety, the Appellant's offer of preparation of a traffic report by a suitable qualified engineer is noted but I have to deal with the material before me. Furthermore, calling for such a report is not, contrary to the Appellant's suggestion, something which could be conditioned and accord with good practice and legislation on the use of planning conditions.
13. 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 issues identified above.
14. I confirm that policies in the National Planning Policy Framework have been considered; the Council's policies which I cite mirror relevant objectives within that document.

Overall conclusion

15. For the reasons given above I conclude that the appeal proposal would have unacceptable effects on the character and appearance of the locality as well as on the safety of pedestrians and road users. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR