



Appeal Decision

Site visit made on 12 September 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2023

Appeal Ref: APP/Q1445/W/23/3318673

2 Osmond Road, Brighton and Hove, Hove BN3 1TE

- 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 Ammar Hamza against the decision of Brighton & Hove City Council.
 - The application Ref BH2022/03766, dated 7 December 2022, was refused by notice dated 8 February 2023.
 - The development proposed is temporary storage shed for a period of 18 months.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the application form the appellant confirms that at the time of submitting the application the work or change of use had been completed. This correlates with my observations on site and I have considered the appeal on that basis.
3. Within the banner, the description of the proposal has been altered to omit superfluous words that do not describe acts of development.

Main Issues

4. The main issues are the effect of the development on;
 - the character and appearance of the area; and
 - the living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance.

Reasons

Character and appearance

5. Located within a predominantly residential area, the appeal site comprises a narrow strip of land between a traditional 2-storey building at 2 Osmond Road and a more modern and taller block of flats at Foster Court. Although of differing designs from each other, these adjacent properties are both brick-faced, have pitched roofs, and contain a range of windows and doors facing the street. In common with other nearby properties, these buildings contribute positively to the quality and distinctiveness of the area.
6. The storage shed subject of this appeal comprises a low single-storey, flat-roofed structure, which is clad in black painted timber. Although it has 2 large doors - one of which addresses York Avenue - these too, are black. The basic utilitarian form and design of the structure, and the lack of windows - particularly within its York Avenue facing elevation - give it a bland and

uninteresting appearance, which is which is at odds with prevailing forms of development within the area.

7. The shed structure does not project above or forward of the brick wall separating it from Foster Court. It is also sited behind black railed gates and setback from the rear of the pavement. However, when directly passing the site, the shed structure is clearly visible from both the carriageway and pavements on York Avenue. From such locations the development appears as an incongruous addition, which is harmful to the quality and distinctiveness of the area.
8. The evidence indicates that there are several businesses located at 2 Osmond Road. However, I have been provided with no cogent reason to doubt that these businesses occupy an existing permanent building. Furthermore, from the evidence and my observations on site, and unlike the development subject of this appeal, I have no reason to conclude that the operation of these businesses has a materially harmful effect on the character or appearance of the area.
9. For the reasons given the development would be harmful to the character and appearance of the area. In respect of this main issue, it would conflict with policy CP12 of the Brighton and Hove City Council - Brighton & Hove City Plan Part 1 – 2016, and policy DM18 of the Brighton & Hove City Council City Plan Part Two – 2022 (the City Plan Part 2). These policies seek to ensure that development is of a high-quality design, which makes a positive contribution to a sense of place and the visual quality of the environment.

Living conditions

10. The appeal site is within a built-up area of the town, within which there are many residential houses and flats. The evidence indicates that there are also several commercial/business premises in the area. The site is close to the junctions of several roads, alongside which there are pavements and areas of on-street parking provision. Although a snap-shot in time, during my late morning mid-week site visit, a reasonable amount of noise and activity associated with the ordinary use of the nearby buildings, roads and pavements was found to be occurring. I have no reason to conclude that these levels of noise and activity are not typical.
11. I do not doubt that the use of the shed for storage and distribution purposes attracts attract additional vehicle movements than would occur if the development had not been undertaken. Furthermore, I have no cogent reason to doubt that the use of the shed, and in particular, the loading and unloading of items, would generate sound as well as increased activity within the area. However, given the general levels of noise and activity within the area, and the small scale of the development proposals, I have no reason to conclude that the levels of either noise or activity associated with the use of the shed for general storage purposes would be especially noticeable by the occupiers of nearby residential properties.
12. For the reasons given, the development does not unacceptably harm the living conditions of occupiers of neighbouring properties with particular regard to noise and disturbance. In this respect it complies with policies DM18 and DM20 of the City Plan Part 2, where they seek to prevent development that would cause unacceptable loss of amenity to existing, adjacent or nearby users,

residents or occupiers, and to ensure that new development contributes towards securing high quality places.

Other Matters

13. Although the appellant made an offer on an alternative premises, this was after it was withdrawn from auction. As such I am unable to conclude that the property was truly available for sale or lease. I cannot therefore attribute weight to this matter.
14. I appreciate that the appellant has not yet found an alternative site that they believe is suitable to meet their needs. However, their search parameters have not been clearly defined, and I cannot therefore conclude that there are not more suitable locations for the development. Furthermore, and notwithstanding that there may be a scarcity of storage space with access within Brighton and Hove which would meet the appellants requirements, I have no reasonable basis to consider that the granting of a permission for a further 18 months would enable their search to be successful.
15. Although consent is sought for a temporary period only, the allowance of this appeal would prolong the identified harm for up to a further 18 months.
16. I accept that it may be convenient for the appellant to continue to use the appeal site for general storage purposes associated with the maintenance of buildings within the local area, while their search for alternative sites continues. However, I attribute very little weight to this benefit.

Conclusion

17. I have found that the development is harmful to the character and appearance of the area. Whilst I have also concluded that it does not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties, this is a neutral consideration.
18. The development conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
19. For the reasons given above I conclude that the appeal is dismissed.

V Simpson

INSPECTOR