



Appeal Decision

Site visit made on 13 August 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2024

Appeal Ref: APP/Q1445/D/24/3345561

76 Denton Drive, Hollingbury, Brighton, Sussex BN1 8LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Vic Parks against the decision of Brighton & Hove City Council.
 - The application Ref. is BH2024/00376.
 - The development proposed is the construction of a car hardstanding at the front of the property with the creation of a vehicle crossover and associated alterations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the street scene of Denton Drive.

Reasons

3. I saw on my visit that No. 76 Denton Drive is a semi-detached house in an elevated position set back from the road. The appeal scheme is for two parking spaces on the same level as the pavement with a retaining wall to the rear and sides and a crossover on the grass verge to allow access to the road. Steps to the front door of the house would be provided adjoining the boundary with No. 74.
4. In principle I consider that the removal of the grass bank and its replacement with a hard surface and a retaining wall reduces the visual amenity of the street scene, because the continuous green sward along the frontages to the dwellings is a pleasing part of the character of the area. With that said, in visiting the area I saw that there are some properties where a similar development has taken place to provide an off road parking space but with a more acceptable effect on the visual amenity of the area.
5. This has been achieved only by limiting the hardstanding to an extent sufficient for one car, with the parking area effectively 'contoured' into the slope to enable the retention of more of the existing gradient and thereby ensuring that the parking does not unduly dominate the frontage. From the excavation that has already taken place at the appeal property and the further work illustrated in the appeal plans I do not consider this to be the approach adopted in the appeal scheme.

6. The appellant argues that the current proposal is only just over 2m larger than a permission he has obtained for a single space. However, the merits or otherwise of the proposal cannot be judged on a single dimension – rather it is a combination of all the relevant factors, including the existing height differential between the house and the pavement and the extent of the proposed hardstanding relative to the retained grass area. Above all, it is the degree to which the detailed design and materials are successful in adapting and modifying the front garden rather than for the most part replacing it, with hard surfaces and retaining walls as the noticeably dominant feature.
7. My assessment of the submitted plans is that it is replacement rather than modification that would be the result at No. 76 if permission is granted and I note the appellant's comment in his appeal statement that 'a carbon copy' of his proposal has already been constructed at No. 82 Crabtree Avenue, not far from Denton Drive. From a Google image of this property prior to the development taking place I agree that the street scene is comparable to the appeal site. However, with the significant changes that have occurred to the street scene in that case I remain unconvinced that a development of similar scale and appearance would be in keeping with the specific context of the appeal site and thereby of sufficient merit to invalidate the Council's objections as set out in the Officers' Report and the Notice of Refusal.
8. The appeal statement refers to a number of other matters, including in particular the alleged inconsistency of the Council in the processing of similar developments and inadequate enforcement of breaches of planning controls in respect of similar developments in the area. However, whilst I sympathise with the difficulties the appellant has encountered in pursuing this proposal, none of these matters are within my remit in this appeal. I have assessed the development on its individual merits; the impact it would have on No. 76, and its effect on the character and appearance of the area. And nothing I have seen or read in respect of the proposed development is of sufficient weight to alter my findings.
9. In summary, I conclude that the proposal would cause significant harm through a combination of its scale and design and that it would introduce an unacceptably harmful change of character to the site and its surroundings. This would be in clear conflict with Policy CP12 of the City Plan Part One 2016 and Policies DM18 & DM21 of the City Plan Part Two 2022. The proposal would additionally be contrary to Government policy in Section 12: 'Achieving Well-Designed and Beautiful Places' of the National Planning Policy Framework December 2023.
10. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR