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## Appeal Decision

Site visit made on 24 March 2025

by **JJ Packman MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 April 2025

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**Appeal Ref: APP/Q1445/D/25/3358468**

**249 Carden Avenue, Brighton, BN1 8LN**

- 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 Jay Koon against the decision of Brighton and Hove City Council.
  - The application Ref is BH2024/01767.
  - The development proposed is to build a crossover in front of the house.
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### Decision

1. The appeal is dismissed

### Main Issue

2. The main issues are:
  - a) whether the proposal would erode the provision of open space, and
  - b) the extent to which the proposal would cause harm to the character of the site, the street scene and the wider area.

### Reasons

#### ***(a) Provision of Open Space***

3. The appeal property is situated on Carden Avenue, a main thoroughfare that runs through the north-eastern part of the city. The road is flanked by wide, green verges, interspersed with trees that separate residential development from the main road. The individual verges vary in length and depth, but are punctuated by road junctions and crossovers serving individual residential properties. Cumulatively they appear to function as a single green corridor that gives Carden Avenue a spacious and verdant character.
4. The proposal is for the installation of a simple vehicular crossover with a dropped kerb, surfaced in black macadam. The crossover would provide vehicular access to the appellant's property (no.249).
5. The network of verges and greenspaces that flank Carden Avenue are included in the citywide Open Space designation under Policy CP16 of the Brighton and Hove City Plan Part 1.
6. The value of the Open Space designation is in its continuity, with numerous verges, parks and other areas combining to create a network of spaces across the city intended to contribute to the physical, mental and emotional wellbeing of residents.

7. The policy seeks to avoid the loss of designated open spaces except in very specific circumstances; none of which appear to apply to this proposal.
8. For the policy to be effective, it needs to be consistently applied. It is reliant on resisting development on numerous small parcels of land, in order to preserve the wider benefits of retaining an extensive network of open spaces.
  - a) Consequently, I find the development would erode the provision of open space and would not accord with Policy CP16.

***(b) Harm to the character of the site, street scene and wider area***

9. The proposed crossover is of a simple and conventional design similar to many others on Carden Avenue. The proposal would utilise a conventional method of construction and similar materials to crossovers in the area. Consequently, when considered in isolation, the proposal itself would appear reasonably well designed and scaled in relation to the host dwelling, and generally compatible with its character.
10. Notwithstanding this, the loss of designated open space would assist in eroding the overall provision of open space in the city. This cumulative impact would be harmful to the wider area.
11. Whilst I consider that the proposal generally accords with Policy DM21, the development would not make a positive contribution to a sense of place and therefore conflicts with Policy DM18.

**Other Matters**

12. The appellant's statement makes reference to a number of other crossovers that have been approved in recent years within the local area. These cases do not appear to relate to the loss of designated open space, so are materially different to this appeal scheme. In any event, each case must be determined on its own merits.

**Conclusions**

13. In determining this appeal, I give significant weight to Policy CP16 and paragraph 104 of the Framework, which both seek to resist the development of open spaces. Whilst the design of the crossover is generally compatible with the character of the host dwelling and other nearby crossovers, this does not overcome the loss of open space. For the reasons explained above and having had regard to all other matters raised, the appeal is dismissed.

*JJ Packman*

INSPECTOR