



Appeal Decision

Site visit made on 7 February 2025 by R Parker BSc (Hons)

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th June 2025

Appeal Ref: APP/Q1445/D/24/3355449

21 Downside, Hove BN3 6QJ

- 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 and Mrs Turner against the decision of Brighton and Hove City Council.
 - The application Ref is BH2024/01477.
 - The development proposed is described as a retrospective application to replace existing front boundary wall
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. This appeal is part-retrospective. The wall has been built but not yet rendered. It appears to have been done so in accordance with the submitted plans and I have considered the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host property and the surrounding area.

Reasons for the Recommendation

5. There are a variety of designs to the detached dwellings in the area, where their set-back from the road and prevailing low front boundary treatments exude a pleasant sense of openness and consistency to the street scene. The appeal building is on the downward sloping side of Downside, adjacent to a pedestrian cut through. Any height on front boundaries is natural and planted.
6. The substance, run and height to the wall has a significant hard enclosing effect on the plot which jars unacceptably with the area's open and landscaped feel. It is noticeably taller than most other treatments in the area and its dominance in the street scene is exacerbated by the topography and the position of the appeal site therein. The confined feel is also apparent at the exit from the pedestrian cut-through, where a rather expansive view of Downside in one direction is

contrasted with the restriction of the appeal scheme, resulting in an intimidating experience for users.

7. It does not appear that a planning permission was granted for the boundary works at Number 20 Downside, and examples cited at Hill Brow fall within an area of different character to the appeal site. Number 16 Downside is located on the uphill side of the street, and as a result its boundary treatment has a far less enclosing effect. Where other front walls exist in Downside, they tend to be lower, and height comes from a more natural, soft, verdant hedge. Therefore, I do not agree that there is a prevalence of taller, solidly built boundary treatments akin to the appeal scheme such that my findings would change.
8. With this and the above in mind, the development harms the character and appearance of the area, contrary to Policy CP12 of the Brighton and Hove City Plan Part One (2016) and Policies DM18 and DM21 of the Brighton and Hove City Plan Part Two (2022) as well as Supplementary Planning Document 12 – Updated Design Guide for Extensions and Alterations (2020). Collectively, and among other matters, these require development to respond positively to existing local contexts with particular regard to character, appearance, scale, and materials.

Conclusion and Recommendation

9. Material considerations do not indicate a decision other than in accordance with the development plan. I therefore recommend that the appeal should be dismissed.

R Parker

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR