
Appeal Decision

Site visit made on 11 November 2025

by **I A Dyer BSc (Eng) FCIHT**

an Inspector appointed by the Secretary of State

Decision date: 14th November 2025

Appeal Ref: APP/Q1445/D/25/3368965

98 Greenways, Brighton, Brighton and Hove BN2 7BL

- 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 Levy against the decision of Brighton & Hove City Council.
 - The application Ref is BH2024/02508.
 - The development proposed is removal of existing driveway front gates and erection of replacement timber gates and fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the basis of the appeal submissions it is clear that the application was amended during the course of consideration by the Council to omit proposed fencing. I have therefore considered the proposal on the basis of the works shown on the plans and as described in the banner heading.
3. The edge of the South Downs National Park (the SDNP) lies across Greenways from the site. I have, therefore, had special regard to section 85(A1) of the Countryside and Rights of Way Act 2000 (as amended) (the CRWA) and the duty imposed upon me by the Levelling Up and Regeneration Act 2023 (the LURA) to seek to further the purposes of Protected Landscapes.
4. At the time of my site visit there was no-one to meet me at the appeal site. However, I was able to view the site and surroundings from the public highway and, from my observations on site, I am satisfied that I have the information required to proceed in determining the appeal.

Main Issue

5. The main issue in this appeal is the effect of the proposal on the character and appearance of the site and the surrounding area.

Reasons

6. The appeal site lies on the eastern side of Greenways and contains a substantial two-storey dwelling. Opposite the site lies open land which forms part of the SDNP.
7. The dwellings on Greenways are a mixture of single and two-storey detached dwellings, set back on a fairly consistent building line behind generous front gardens. These gardens often provide off-street parking for the dwellings, and

many have been paved. Nonetheless, whilst in some cases gardens have been entirely hard surfaced, others retain a degree of soft landscaping. Many side boundaries are formed by hedges. Front boundaries are frequently formed by low front walls, often with pillars, and frequently accompanied by hedging.

8. The open land opposite, the set back of the dwellings and the low boundaries, together with the existing planting, provide the area with a sense of edge-of-settlement suburban spaciousness and, particularly in the vicinity of the site, verdancy. These are positive features contributing to the character and appearance of the locale.
9. The appeal site is an example of a garden that has been entirely hard paved but having hedged side boundaries. It is fronted by a low brick wall, reinforced with taller brick pillars and backed by hedging. The hedging, which is taller than the fronting wall, softens the appearance of, and contributes to the verdancy of, the frontage. As such, it exhibits many of the characteristics that I have identified above as making a positive contribution to the character and appearance of the area and, thereby, itself contributes to these.
10. The proposal would replace two farm-style gates that lie at the entrances at either side of the site with taller, black metal framed, slatted timber gates. The current gates are of an open, timber construction. Whilst of materials used in immediate vicinity of the appeal site, the proposed gates, comprising both a vehicular and a pedestrian gate, would have a more visually impermeable construction and would be significantly taller than the existing gates. They would have a more solid, heavier appearance and would obstruct through visibility into the plot. This would be emphasised by the black metal framing, giving the gates an distinctly urban appearance, out of keeping with its suburban surroundings.
11. Their scale and solidity would dominate the frontage of the site and the immediate locality. The gates would be set back behind the line of the fronting wall and, in longer views along Greenways, obscured by planting and other features. In views towards the site across the field opposite, the lie of the land would obscure them in longer views. Nonetheless, they would be notable and highly visible to persons travelling on the street whilst passing the site and their incongruous nature would draw the eye. By virtue of their height, scale and form they would provide a hard enclosing feature on the frontage, undermining the senses of spaciousness and verdancy that I have identified above as being positive features of the area.
12. The gates would therefore form a harmfully discordant feature in the street scene. Given the degree of conspicuousness of the gates in the immediate area, the harm would be moderate.
13. The appearance of the gates could be mitigated, to a degree, by the choice of finishes to the gates, and this could be controlled by a planning condition. However, this would not address their solid appearance or scale and so harm would remain.
14. The appellant has drawn my attention to several other sites in the wider area which he considers comparable to the proposal¹. However, other than 106 Greenways (No 106), these lie some distance from the appeal site and do not inform its immediate context. On No 106, whilst the boundary is formed by a low

¹ 106 Greenways, 66 Ainsworth Avenue, 9 Longhill Road and

brick wall with similar pillars to those on the appeal site frontage, the space between the pillars is infilled with close boarded timber, it has no gates to compare with those proposed and the access is open and permeable to view. Such a design, whilst using materials found locally, is not a common or defining feature on the Greenways frontage and so I do not consider that this boundary treatment provides support for the proposal.

15. I therefore find that the proposal would have a harmful effect on the character and appearance of the site and the surrounding area. It would thus be contrary to Policies CP12 of the Brighton and Hove City Council City Plan Part One (2016) and DM21 of the Brighton and Hove City Council City Plan Part Two (2022), in as much as these seek, amongst other things, to ensure that development establishes a strong sense of place by respecting the diverse character of the city's identified neighbourhoods and takes account the existing character of the area.
16. For similar reasons the proposal would be contrary to the guidance provided in the Council's Updated Design Guide for Extensions and Alterations Supplementary Planning Document (2020) that boundary walls and fences should be constructed from materials in sympathy with the building or surrounding area and respect the height of other enclosures in the street so to not appear unduly conspicuous and out of character.

Other Matters and Planning Balance

17. Section 85(A1) of the CRWA places a statutory duty upon me to have regard to the purpose of conserving and enhancing the natural beauty of the Protected Landscape. The alterations to the appearance of the site would not be strident in wider views of the proposal from the countryside and its visual impact would be limited mainly to the immediate vicinity. It would thus not be intrusive within the wider landscape and would, therefore, not harm the setting of the SDNP or its landscape and scenic. In so doing it would conserve its scenic beauty. Given the position and scale of the proposal, opportunities to enhance the scenic beauty of the Protected Landscape would be severely limited.
18. The appellant states that the gates are needed to provide security for his home. There would thus be personal benefits to the occupiers by providing an increased sense of security. However, there is little substantive evidence before me to demonstrate that the height of the gates is necessary to provide a deterrent to entry to the property or that alternative measures could not be taken to improve security which would not result in the same harm to the character and appearance of the area. I therefore place limited weight on this matter.
19. The development would provide minor public benefits to the local economy in terms of short-term employment in the construction industry. However, such benefits would be limited by the scale of the development. Thus, in this case the benefits of the proposal would be limited and would not outweigh the harm that I have found to the character and appearance of the area.

Conclusion

20. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

I A Dyer

INSPECTOR