



Appeal Decision

Site visit made on 8 January 2013

by Ann Skippers BSc (Hons) MRTPI FHEA FRSA AoU

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 January 2013

Appeal Ref: APP/Q1445/D/12/2187977

4 Tongdean Road, Hove, East Sussex BN3 6QB

- 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 Mr. Christopher Liu against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/02366 was refused by notice dated 25 October 2012.
 - The development proposed is 'demolition of existing garage and erection of new single storey double length garage. Extension to existing consulting room at ground and first floor level with pitched roof to provide car port and habitable space above. New garden wall and gates to front'.
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Application for Costs

1. An application for costs has been made by Mr. Liu against Brighton & Hove City Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for demolition of existing garage and erection of new single storey double length garage, extension to existing consulting room at ground and first floor level with pitched roof to provide car port and habitable space above and new garden wall and gates to front at 4 Tongdean Road, Hove, East Sussex BN3 6QB, in accordance with the terms of the application, Ref BH2012/02366, dated 30 July 2012, subject to the five conditions set out in the schedule appended to this letter.

Preliminary Matters

3. The Council's description of development has been used as this more fully reflects the proposal. The proposal also involves the erection of a single storey extension to the kitchen. The Council only raises an objection to the front extension element of the proposal. I concur with the Council that the other elements of the proposal, including the kitchen extension, would be acceptable. I will therefore confine my comments to the front extension element.

Main Issue

4. The main issue in this case is the effect of the proposal on the character and appearance of the Tongdean Conservation Area.

Reasons

5. No 4 is a large detached property on the south side of Tongdean Road. At present there is a flat roofed, single storey element to the front and east of the building which is used as a consulting room together with a flat roofed double

garage on the west side of the building. The appearance of both these elements is at odds with the imposing front façade of the property.

6. The front element, by reason of the height and design of the roof, would result in a prominent addition to the property. Two dormers are also proposed within the roof space. The roof would partially obscure the front elevation of the property, and one of two large windows, a noticeable feature on the front elevation, would be partially obscured, especially from a direct 'head on' view to the property. The inclusion of the car port element would also be closer to the road reducing the space between the property and the road. However, the existing surgery element already partially obscures the front elevation albeit at ground floor level.
7. Tongdean Road rises from west to east and as a result the visual impact of the extension's roof would be lessened within this varied street scene. From a westerly direction the road is quite open and the siting of the extension at an angle to the main building would help to retain some space between the extension element and the main property. From an easterly direction the extension would still appear subservient and would be in a similar position to, and would be partially hidden behind, a large building to the front of No 2.
8. In addition there is no distinct or regular pattern of development along this street or in the wider Conservation Area. The area consists of large, detached and generally imposing dwellings on good sized plots. Some properties are close to the road, others are set back or at an angle. Some dwellings are largely hidden from view due to the slope of the road, their set back and the presence of trees. There is great variety in the designs of the properties and many have interesting, rather quirky features. This diversity and an interesting juxtaposition of new and old add to the element of surprise as the Tongdean Conservation Area Character Statement identifies. The two properties either side of No 4 have large buildings situated between the dwelling and the road and so the presence of large buildings to the front is not an uncommon feature.
9. Whilst I accept that this element of the proposal would be a noticeable feature in the street scene, given the great and unusual variety of the street scene and its rather quirky nature, I have reached the conclusion that this element would preserve the character or appearance of the Tongdean Conservation. The proposal as a whole would preserve or enhance the character or appearance of the Tongdean Conservation Area. This would accord with the objectives of Policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan 2005 which, amongst other things, seek a high standard of design and seek to preserve or enhance the character or appearance of Conservation Areas in line with the statutory requirement and the advice in the National Planning Policy Framework.
10. I have considered the conditions put forward by the Council in the light of the advice in Circular 11/95. In addition to the standard commencement condition, I have added a condition requiring the development to be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. Conditions relating to materials and the retention and protection of a holly tree in the front garden which makes a contribution to the visual amenities of the locality, are also necessary to safeguard the character and appearance of the area. Development should be carried out in

accordance with an agreed waste minimisation statement in the interests of sustainable development.

11. For the reasons given above and having had regard to all other matters raised, the appeal should be allowed.

Ann Skippers

INSPECTOR

Schedule of conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans which begin with the prefix 2011/10: 01A, 02, 03, 04, 05, 06, 07, 08A, 09B, 10C, 11B, 12B, 13B, 14B, 15B and 17.
- 3) Notwithstanding any details indicated on the submitted drawings and application, no development shall take place until details of the finishes and materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until a written Waste Minimisation Statement has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) In this condition "retained tree" means the existing holly tree in the front garden shown on drawing number 2011/10/08A; and paragraphs i. and ii. below shall have effect until the expiration of five years from the date of the occupation of the development for its permitted use.
 - i. the retained tree shall not be cut down, uprooted or destroyed, nor be topped or lopped without the written approval of the local planning authority.
 - ii. If the retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
 - iii. The erection of fencing for the protection of the retained tree shall be undertaken in accordance with the details to be submitted and approved in writing by the local planning authority before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

End of schedule