

## Appeal Decision

Site visit made on 2 May 2017

by **J Ayres BA Hons, Solicitor**

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

Decision date: 5<sup>th</sup> June 2017

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### Appeal Ref: **APP/Q1445/W/16/3167802**

### Land adjacent to **3 Tandridge Road, Hove, East Sussex BN3 4LU**

- 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 T Froude against the decision of Brighton & Hove City Council.
  - The application Ref BH2016/01069, dated 16 March 2016, was refused by notice dated 16 September 2016.
  - The development proposed is "one one-bedroom house".
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### Decision

1. The appeal is allowed and planning permission is granted for "one one-bedroom house" at land adjacent to 3 Tandridge Road, Hove, East Sussex BN3 4LU in accordance with the terms of the application, Ref BH2016/01069, dated 16 March 2016, subject to the attached schedule of conditions.

### Procedural Matter

2. The application form refers to the development site as No 2 Tandridge Road. The submitted plans are also titled as relating to No 2 Tandridge Road. However, the appeal site is clearly shown on those plans as lying adjacent to No 3 Tandridge Road. The officer's report, the Council's Decision Notice, the neighbour responses, the appellant's statement of case and the appeal form all refer to the land adjacent to No 3 and, from my own observations during the site visit, I am satisfied that that is the correct address. That is reflected in the header above.

### Main Issue

3. The main issue is the effect on the character and appearance of the area.

### Reasons

4. Tandridge Road is a residential street characterised by a mix of detached and semi-detached properties. The properties along Tandridge Road appear to be sited on relatively modest plots, with a small degree of separation between them. Whilst the properties vary considerably in their design, the majority are either two storey or chalet style bungalows and there is no uniform roofline. The steep pitched roofs to a number of properties allows for accommodation within the roof space, with some having large dormers to the side. The absence of a set pattern to the built development creates an interesting and diverse streetscene.
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5. The planning history for the site indicates that this plot of land, which fronts onto Tandridge Road and, on the evidence of the Council extends to some 108 square metres in area, was previously occupied by a double garage. At the time of my visit, however, there were no buildings on the site, which was becoming overgrown. To the north, the site is adjoined by No 3 Tandridge Road, a detached chalet style bungalow property, whilst to the south, the site is bounded by the end of the rear garden to No 309, Kingsway.
6. The currently vacant appeal site creates a 'gap' between the rear of the main building at 309 Kingsway and the side of the No 3 Tandridge Road. I am mindful, in this regard, that there is a not dissimilar 'gap' on the opposite side of the road here, between the rear of the main building at 311 Kingsway, another two storey property, and the side wall of No 2 Tandridge Road. I saw, however, that the 'gaps' are not identical and that there are outbuildings/garages within the gardens to the respective properties which are seen from the street. All in all, I am not persuaded that the 'gaps' are an integral or defining feature of the street, or that they make a material contribution to any sense of openness. Accordingly, I am satisfied that development of the appeal site is acceptable in principle.
7. The plot frontage is not dissimilar in width to many others on the street, with the front of the proposed dwelling aligning with the frontage of the adjacent properties on Tandridge Road. The proposed chalet type property would reflect the style and height of other dwellings in the immediate vicinity, the separation between the new dwelling and No 3 Tandridge Road also reflecting the spacing between other nearby dwellings. I saw that the rear of the main building at 309 Kingsway is separated from the appeal site by a garage and a substantial outbuilding, providing sufficient separation to ensure that the development would not appear cramped in its street setting.
8. Whilst the scheme proposed includes a large side-facing dormer window within the roof slope, such windows are an established feature of the street on a number of the other dormer style properties. I recognise that many of those dormers have pitched roofs over, but I also saw examples of flat topped side facing dormers. I am not persuaded, in this regard, that the proposed dormer is overly large, or that it would be seen as an uncharacteristic feature in its context.
9. I recognise that the plot is of restricted depth. However, that would not be apparent from the street. I am mindful, in this regard, that the Council accepts that an acceptable standard of accommodation would be provided for future occupiers, including the provision of outdoor amenity space.
10. All in all, having regard to the general rhythm of built form along the street, and prevailing design features that are reflected in the proposal, I am satisfied that there would be no material harm to the character and appearance of the area as a consequence of the development proposed.
11. As such I conclude that the proposal would not conflict with policies CP8, CP12 and CP14 of the Brighton and Hove City Plan Part One (2016) policy QD14 of the Brighton and Hove Local Plan 2016 and the Council's supplementary planning document '*Design Guide for alteration and Extensions*'(SPD 12) <sup>1</sup>

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<sup>1</sup> Policy QD14 and the SPD relate to extensions and alterations to existing dwellings. Since the appeal scheme relates to a new dwelling, neither the policy nor the SPD are directly relevant. I have, however, taken them into

which, together and among other things, seek to ensure that new development respects the character of the neighbourhood and to secure the provision of a range of dwellinghouses to accommodate housing need.

### **Other Matters**

12. Although not reflected in the Council's reasons for refusal, local residents raise concerns in relation to a number of matters including loss of light, overshadowing, privacy and parking. These are addressed in detail in the officer's report and, for the reasons set out therein, I have no reason, on the basis of the information that is before me and from my own observations during the site visit, to come to a view that is any different from that of the Council in these regards, subject to the imposition of conditions.
13. I note a reference in the officer's report to the need for a financial contribution towards sustainable transport infrastructure, although there is no mention as to what exactly any such money would be spent on. However, the absence of such a contribution does not feature in the reasons for refusal. As there is no substantiated evidence to demonstrate that there would be any material harm absent such a contribution, I see no reason to pursue this matter further and the absence of a contribution does not weigh against the proposal.

### **Conclusion**

14. For the reasons given above and taking into account all matters raised, I conclude that the appeal should be allowed.

### **Conditions**

15. I have considered the imposition of conditions in accordance with advice in the Framework and Planning Practice Guidance.
16. A condition specifying the approved plans is necessary as this provides certainty. I have imposed a condition requiring the submission of materials as this is necessary to safeguard the character and appearance of the area.
17. The carrying out of additional extensions and the erection of curtilage buildings without the need for for planning permission, ie as "permitted development" could, given the constrained nature of the plot, have a material adverse impact on the amenities of adjoining occupiers. I have therefore imposed a condition to remove permitted development rights in this regard. Similarly, in order to protect the living conditions of adjoining occupiers on terms of privacy, I have removed permitted development rights in relation to additional windows/dormers above ground floor level.

*Johanna Ayres*

INSPECTOR

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account insofar as they require, among other things, that development is well designed, sited and detailed in relation to adjoining properties and the surrounding area.

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**CONDITIONS SCHEDULE**

- 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: unnumbered location plan (1:1250); unnumbered block plan (1:500); and Plan No 1522/01 Rev B (Proposed Plans, Elevations and Sections).
- 3) No development shall take place until samples of all external facing materials, hardsurfacing materials and materials for the front boundary wall have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved sample details.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to the dwelling hereby permitted shall be carried out, nor shall any development within the curtilage to the dwelling be erected or constructed.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows above ground floor level, other than those expressly authorised by this permission, shall be constructed.

-----END OF SCHEDULE-----