



Appeal Decisions

Site visit made on 14 April 2008

by **David Hogger** BA MSc MRTPI MIHT

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

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Decision date:
9 June 2008

Appeal A: APP/Q1445/A/07/2059242

1a Tongdean Road, Hove, 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 M Foreman against the decision of Brighton & Hove City Council.
- The application Ref BH2007/01541, dated 18 April 2007, was refused by notice dated 20 June 2007.
- The development proposed is a first floor extension.

Appeal B: APP/Q1445/A/07/2059264

1a Tongdean Road, Hove, 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 M Foreman against the decision of Brighton & Hove City Council.
- The application Ref BH2007/03339, dated 28 August 2007, was refused by notice dated 7 November 2007.
- The development proposed is a first floor extension.

Decisions

Appeal A

1. I dismiss the appeal.

Appeal B

2. I dismiss the appeal.

Procedural Matters

3. As set out above there are two appeals that differ only in the design and extent of the proposed extensions. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with the two schemes together in this document.
 4. The Council use three different titles for the conservation area in its Character Statement but for the avoidance of doubt I shall refer to it as the Tongdean Conservation Area.
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Main issues

5. I consider the main issues, in both appeals, to be:
- whether or not the proposal would preserve or enhance the character or appearance of the Tongdean Conservation Area; and
 - the effect of the proposed development on the living conditions of neighbours, particularly in terms of outlook.

Reasons

6. Tongdean Conservation Area is predominantly an area of large houses in relatively large plots. Although there is a range of styles and age of property, most of the dwellings do not extend across the entire width of the plot and the spacing between buildings is an important element in the character of the locality (as acknowledged in the Tongdean Conservation Area Character Statement). This provides the area with a generally low density appearance and the houses sit comfortably within their curtilages.
7. I am told that No 1a was originally the garden of the neighbouring property, 47 Dyke Road Avenue. The consequence of this infill development is that both properties have comparatively small areas of garden.
8. In both of the proposals before me the proposed extensions would continue the ridge line of the existing house and would extend almost to the boundary with the neighbouring property. Despite the existence of the front boundary wall they would both be visible when travelling along Tongdean Road. The gap at first floor level would be eroded and in both cases it would result in an intensification of built form which in my opinion would be detrimental to the character of the conservation area.
9. On the first issue therefore, I conclude that the proposals in both Appeal A and Appeal B would not preserve or enhance the character or appearance of the Tongdean Conservation Area. Consequently the requirements of policies QD14 and HE6 of the Brighton and Hove Local Plan 2005 (LP), which seek to ensure that new development would be of a high standard of design and that the character of conservation areas would be preserved or enhanced (including the retention of spaces between buildings), would not be met.
10. With regard to the second issue I saw the appeal site from both the garden and the first floor of 47 Dyke Road Avenue. The development of No 1a has resulted in the loss of most of the original garden to No 47. The area which appears to be most used by the occupiers of No 47 is that which lies between their property and No 1a. Within that area there are two conservatories which extend out beyond the rear wall of No 47 and an outdoor seating area.
11. In my opinion the narrow width of this area combined with the fact that the proposed extension in both schemes would extend at first floor level almost to the common boundary, would result in an overbearing and intrusive development. Similarly the outlook from a number of windows to habitable rooms on the first floor would be significantly impaired, because of the closeness of the proposed extension.

12. In terms of loss of light I consider that because of the orientation of No 1a in relation to No 47 and the short distance between No 47 and the proposed extensions, there would be a loss of light to the rear of No 47 (in respect of both appeals). Whilst this is not a matter on which my decision turns it adds weight to my conclusion on the second issue.
13. Although the harm would be more significant with regard to Appeal A because of the greater expanse of the proposed extension, I consider that, for the reasons given above, the living conditions of the occupiers of No 47 would also be impaired if Appeal B were to be allowed. Therefore on the second issue I conclude that the requirements of LP policies QD14 and QD27 which seek to protect the living conditions of neighbours, would not be met.
14. Parking and highway safety have been raised by a number of interested parties but I have no detailed evidence before me on these matters and therefore I have given these issues little weight.
15. For the reasons given above and having regard to all other matters raised, including the proposed use of matching materials, I conclude that both appeals should be dismissed.

David Hogger

Inspector