



Appeal Decision

Site visit made on 29 June 2010

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

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Decision date:
9 July 2010

Appeal Ref: APP/Q1445/D/10/2128123 **44 Tongdean Avenue, Hove BN3 6TN**

- 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 and Mrs Prince against the decision of Brighton & Hove City Council.
- The application Ref BH2009/02375, dated 26 September 2009, was refused by notice dated 24 December 2009.
- The development proposed is extension and alterations to detached dwelling house.

Procedural matter

1. The Council and appellant have agreed a more detailed and accurate description of the development as follows: "erection of a two storey pitched roof front extension, ground and first floor extension on north-west elevation including extending the main roof, pitched roof garage extension to south-east elevation, roof lights to rear and side elevations, reconfiguration of first floor windows and balustrading at rear". I have used this description of the proposal in my determination of the appeal.

Decision

2. I allow the appeal and grant planning permission for the erection of a two storey pitched roof front extension, ground and first floor extension on north-west elevation including extending the main roof, pitched roof garage extension to south-east elevation, roof lights to rear and side elevations, reconfiguration of first floor windows and balustrading at the rear at 44 Tongdean Avenue, Hove BN3 6TN in accordance with the application Ref: BH2009/02375, dated 26 September 2009 and the plans submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the layout and details shown on drawing nos. 106-SK001 (dated 22 September 2009), 106-SK002, 106-SK003, 106-SK004 and 106-SK007 (all dated 14 September 2009).
 - 3) The materials and finishes to be used in the construction of the external surfaces of the extension hereby permitted shall match in colour and texture those used in the existing building.

Main Issue

3. The main issue is whether the proposed alterations, extensions and use of roof lights would preserve or enhance the character or appearance of the Tongdean Conservation Area.

Reasons

4. Tongdean Avenue is characterised by large detached dwellings which exhibit considerable variety and individuality in style and design. Some date from the early part of the 20th century whereas others have been constructed more recently. The majority of houses are sited on plots of generous proportions, set back from the road and within mature gardens. The road has a spacious and green appearance with grass verges on both sides and numerous street trees. There are also mature trees within the gardens and along the boundaries between the properties which reduce the inter-visibility between the buildings. These characteristics also feature elsewhere within the Conservation Area with some of the most prestigious properties located on Dyke Road Avenue.
5. No 44 is a substantial house which has been extended to the rear with the addition of a long building enclosing a swimming pool. The dwelling itself is rather utilitarian in appearance and lacks any striking features that are visible from the street. Much of the area in front of the house comprises brick paving which is starker in appearance than some neighbouring properties where there is a more greenery. The presence of mature trees and vegetation along the boundaries with both No 46 and No 42 reduces the visibility of these adjoining properties from within the curtilage of No 44.
6. The footprint of the building would be extended on the south-eastern side with the construction of a new garage whose front elevation would be forward of the existing house. This would require the removal of an existing brick wall and the construction of the garage close to the shared boundary with No 42. However, the profile of the garage would be low and it seems to me that with its proposed hipped roof it would integrate satisfactorily with the existing dwelling. When viewed from the street the replacement of a brick wall with a single storey garage would not significantly increase the apparent width or bulk of the building. I note that planning permission has been granted for redevelopment of the adjacent site at No 42, Ref: BH2008/03384, subject to conditions. From the evidence presented I consider that the gap at first floor level between this proposal and the extension at No 44 would be acceptable.
7. On the north-western side of the house the existing garage would be converted into habitable accommodation and the flat roof replaced by a hipped one which would mirror that of the proposed new garage. The insertion of a new gable and an extensive section of glazing would provide the property with a new identity with more visual interest than currently exists. I note that the Council consider this to be acceptable in design terms and not out of keeping with the conservation area. I concur with this assessment.
8. The proposed first floor extension would increase the width and bulk of the building. However, it would be set in from the side boundary with No 46 and would not occupy the full width of the existing garage. The extensive nature of the trees and vegetation along the shared boundary would reduce the visibility

of this first floor side extension from the road. Furthermore, since the garage of No 46 is sited close to the boundary I consider there would still be a reasonable gap between the dwellings at first floor level.

9. I will now move on to consider the effects of the proposed roof lights. The proposal would replace a flat roof dormer window in the rear roof slope with Velux roof lights. The width of these proposed roof lights would be similar to that of the existing dormer and although somewhat deeper would, in my view, be proportionate to the enlarged roof slope. I note that the Council welcome the removal of the dormer window and since it would not be visible from public view points there would be no adverse effect on the appearance of the conservation area, which would be preserved. The proposed roof light on the side elevation to serve a bathroom in the roof space is of more modest proportions. I consider this roof slope not to be prominent in the street scene and the roof light would not be dominant within it. In my view this element of the proposal would therefore comply with the Council's Supplementary Guidance on roof lights within conservation areas.
10. Drawing the threads of my assessment together I am of the view that the proposed alterations and extensions would improve the appearance of the front elevation of the dwelling, would not significantly alter the relationship between the building and its plot and that sufficient gaps between the enlarged dwelling and those on either side would remain at first floor level. In addition I consider the replacement of the rear dormer window by roof lights is to be welcomed and the addition of roof lights in the side roof slope would be acceptable. I therefore conclude that the proposal would preserve the character and appearance of the Tongdean Conservation Area and comply with saved Policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan all of which seek high quality design, particularly within conservation areas.
11. I will therefore allow the appeal subject to conditions. I note that the Council has requested a materials condition which is justified in the interests of the appearance of the building. In addition to the standard time limit I have also imposed a condition to specify the plans, for the avoidance of doubt and in the interests of good planning.

Sheila Holden
INSPECTOR

