



Appeal Decision

Hearing held on 28 July 2009
Site visit made on 28 July 2009

by **Elizabeth Lawrence** BTP MRTPI

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

The Planning Inspectorate
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Decision date:
14 August 2009

Appeal Ref: APP/Q1445/A/09/2098676/NWF
46 Dyke Road Avenue, Brighton, East Sussex, BN1 5LE.

- 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 & Mrs C Collins against the decision of Brighton and Hove City Council.
 - The application Ref BH2007/04469, dated 30 November 2007, was refused by notice dated 21 January 2009.
 - The development proposed is described as partial demolition and alterations to existing house and erection of new family home to the rear.
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Preliminary Matters

1. Prior to the determination of the planning application by the Council various revised drawings were submitted. The Council's decision is based upon some of the revised drawings and some of those originally submitted with the application. The Council confirmed at the Hearing that it has no objections to all of the revised drawings being considered and that to do so would not cause prejudice to any party. I agree and accordingly my decision is based upon drawing Nos. TA 282/01 to /06, TA 282/10A to 14A and TA 282/SK10A to 14A.
2. There area number of discrepancies on drawings TA 282/SK10A to 14A, although in view of their minor nature they could be adequately dealt with through the imposition of a planning condition.

Decision

3. I dismiss the appeal.

Main issue

4. The main issue is the effect of the scheme on the character and appearance of the surrounding area, which is within the recently extended Tongdean Conservation Area.

Reasons

5. This part of the Tongdean Conservation Area is characterised by large detached Edwardian dwellings occupying substantial mature landscaped plots. The original building on the Appeal site comprised a single dwelling, although it has since been extended and currently forms a pair of semi-detached dwellings. The northernmost dwelling has the appearance of an ancillary dwelling to the main house, with a commensurate comparatively small rear garden. As a result this garden area, which follows the prevailing east/west orientation of rear gardens in the immediate area, blends in satisfactorily with the character and appearance of the area, despite its limited size.
 6. The proposed dwelling would occupy a larger plot than the dwelling it would replace and would be comparable in size to the adjoining plots to the east and north. The
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proposed garden area to serve the original dwelling would remain substantial in size and whilst smaller would not be out of keeping with the adjoining and nearby rear gardens of the houses fronting Dyke Road Avenue.

7. However a considerable proportion of the Appeal site would be developed for the proposed dwelling and associated access, parking and other hard surfacing. In addition, the site would be enclosed on 3 sides by tall mature planting and the dwelling, due to its size and central siting, would dominate the whole plot. As a result of these factors the development would appear cramped and out of keeping with its spacious and verdant surroundings.
8. By comparison the approved dwelling on the site to the east would be sited towards the northern end of its plot resulting in a rear garden area of over 13 metres in depth. At the same time it would relate closely to the more intensive development in Wayland Heights due to its siting, design and access arrangements.
9. Due to its contemporary design of the proposed dwelling would be particularly noticeable within the rear garden environment, where together with the cramped nature of the overall development it would form a discordant feature between the spaciouly sited, traditionally designed dwellings to west, north and east. In particular the proposed flat and low-pitched roofs would fail to respect or blend in with the surrounding development.
10. The proposed alterations to the existing dwelling would respect the character and appearance of the original building and would enhance its appearance in the street scene. Although a new access drive would be provided adjacent to the northern boundary of the site it would be largely screened from the street scene and the surrounding area by mature planting. As such this part of the scheme would enhance the character and appearance of the Conservation Area. Despite this in this instance such benefits would be outweighed by the significant harm that would be caused by the proposed dwelling and level of hard surfacing at the rear of the site. Overall the scheme would harm the character and appearance of the Conservation Area.
11. I fully appreciate that in accordance with policy QD3 of the Brighton and Hove Local Plan 2005 and the advice given in Planning Policy Statement 1 (PPS1) – *Delivering sustainable development* and PPS3 - *Housing*, where possible higher density housing should be accommodated and full and effective use of sites is advocated. However that is provided any development could be satisfactorily assimilated into its surroundings, in accordance with policies QD1, QD2, QD3 & HE6 of the Local Plan and the design advice given in PPS1 and Planning Policy Guidance Note 15 – Planning and the Historic Environment. Amongst other things the above policies require development to be designed to a high standard, take into account the local characteristics and preserve or enhance the character or appearance of conservation areas. In this instance the benefits of replacing the attached dwelling with a detached dwelling would be outweighed by the detrimental effect the scheme would have on the surrounding area.
12. I have also taken into account other “backland” developments approved in the locality and in particular that at 11 Tongdean Road. Whilst it was not possible to see the site clearly from the highway, from the drawings I was given it appears to have more space around the site and is located along a stretch of the road where building lines are more informal. Similarly none of the other sites I viewed were directly comparable to the appeal site.
13. For the reasons given above I conclude on the main issue that the proposal would fail to preserve or enhance the character or appearance of the Tongdean Conservation Area and would unacceptably harm the character and appearance of its surroundings. Accordingly it would conflict with the policies and advice referred to.

Other Matters

14. In relation to living conditions the proposed driveway would be separated from the property to the north, "Baronsmead" by a substantial amount of planting. Although the use of the driveway would be noticeable by the occupants of that property, with the use of appropriate surfacing to minimise noise and any compaction to the roots of trees and shrubs, together with an acoustic fence and additional planting where required, the living conditions of the occupants of "Baronsmead" would not be materially affected. It would also satisfactorily address the concerns expressed about light pollution.
15. The proposed dwelling would be visible from nearby and adjacent properties, particularly during the winter months, where for the reasons given above the development would appear cramped and out of keeping with its surroundings. Notwithstanding this, in view of the distances involved and the orientation of the proposed dwelling it would not materially harm the living conditions of the occupants of those properties with regard to privacy or overbearing visual impact. I am also not convinced from the evidence before me that the proposal would have a materially adverse impact on the health of any trees in the immediate vicinity of the Appeal site.
16. The proposed dwelling would result in loss of privacy within the proposed rear garden to the host property. However in view of the distance between the existing and proposed dwellings and the ability to impose a condition, requiring screen fencing and planting, in itself this would not amount to a reason for dismissing this Appeal.

Conclusion

17. Having regard to my conclusion on the main issue and all other matters raised, including the Tongdean Neighbourhood appraisal, I conclude that the Appeal should be dismissed.

Elizabeth Lawrence

INSPECTOR

DOCUMENTS

- 1 Hearing Notification Letter
- 2 Record of Attendance
- 3 Appeal decision relating the land east of the Appeal site
- 4 Tongdean Neighbourhood Appraisal

PLANS

- A TA 282/SK10A -14A