



# Appeal Decision

Site visit made on 20 February 2009

by **Richard A. Hersey BA DipTP MRTPI**

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

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**Decision date:**  
**31 March 2009**

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## Appeal Ref: APP/Q1445/A/08/2087068

### 4 Tongdean Road, Hove 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 Christopher Liu against the decision of Brighton & Hove City Council.
- The application, ref. BH2008/00307, dated 31 January 2008, was refused by notice dated 7 April 2008.
- The development proposed is *Partial demolition and alterations to existing dwelling and erection of new dwelling with separate garage, new access road and landscaping at land to the rear.*

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### Decision

1. I dismiss the appeal.

### Main issues

2. I consider that there are three main issues. One issue is the effect of the development on the character of the Tongdean Conservation Area. The second issue is the likely effect on the living conditions of neighbouring residents. The third issue is the likely effect on highway safety.

### Reasons

3. 4 Tongdean Road is a large detached house with an attached double garage at the side, within the Tongdean Conservation Area. It is proposed to demolish the garage and construct an access road to a new house to be erected on what is now part of the rear garden of no.4. The house would be L-shaped, on basement, ground and first floors, with a pitched roof. There would be a detached double garage.
4. The Tongdean Conservation Area is characterised by large detached houses, in a wide variety of styles and with generally large gardens. The Council has not raised objection in principle to the formation of a separate development plot in this back land location, since the principle of this type of development has been approved on adjoining plots, albeit somewhat larger than the appeal site, to the south and west at 6B Tongdean Road and 1 and 2 Tongdean Place.
5. Because of its back land position, the new house would not have any noticeable effect on the street scene. I do not consider that the demolition of the garage and construction of the access road would be harmful to the appearance of the existing house or the character of the area.
6. Although the development would involve the removal of some existing vegetation, including some small trees on the site of the access road and the house itself, the appellant's landscape details indicate that most of the significant trees and boundary

hedges would be retained and several smaller trees would be replanted. I am satisfied that, in terms of the effect on trees and the garden character of the site, the development would not involve the unreasonable loss of existing vegetation. However, for the reasons given below, I share the concern of the Council and some of the immediate neighbours about the size and siting of the house and, to that extent, the development would fail to preserve or enhance the character of the conservation area; it would in that respect not accord with policy HE6 (development within conservation areas) of the Local Plan.

7. With regard to the second issue, I acknowledge that the house would have a contemporary appearance and would be designed to maximise energy efficiency measures. However, I consider that, because of its L-shape, with each wing about 15m long, the size of the house would be particularly prominent to neighbouring residents, in particular nos. 2 and 6B Tongdean Road.
8. On the east side, the two storey rear wall would be only about 3.5m from the boundary with 2 Tongdean Road. Despite the rise in ground level towards the east and the screening effect of an existing hedge, it seems to me that the wall of a dwelling of this size and in this position would be unduly obtrusive in the outlook from the rear of no.2 and its rear garden.
9. On the west side, there is a substantial drop in ground level to the rear garden of 6B Tongdean Road. Although there would be no windows in the end wall of the nearest part of the new house, about 5m from the boundary, I consider that the effect of this wall and of the main west facing wall, about 13.5m from the boundary, would be particularly obtrusive when viewed from the house and garden at 6B, resulting in an unreasonable sense of enclosure, despite the presence of a pool building close to the boundary. I have noted the appellant's comments regarding the possibility of an extension at no.6B but this does not affect my consideration of the present circumstances.
10. On the southern boundary, where there is also a fall in ground level, the development would be clearly visible from the front of 2 Tongdean Place but, given the orientation of the respective buildings, the screening effect of vegetation and the garage block on this boundary, I do not consider that the development would be unduly obtrusive in this case. However, on this issue I consider that the proposal, by reason of its size and siting, would involve an un-neighbourly form of development, in conflict with policy QD27 of the Local Plan.
11. With regard to the third issue, the Council considers that the length of the single width access road may give rise to unsafe vehicle turning or waiting on the highway. However, adequate space for vehicles to pass each other would be available within the site at each end of the access road to prevent any likely problem to pedestrian or vehicle safety. I do not support this reason for refusal but, for the reasons given above, I conclude that the appeal should not be allowed.

*R.A.Hersey*

INSPECTOR