
Appeal Decision

Site visit made on 1 November 2016

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 23 November 2016

Appeal Ref: APP/Q1445/W/16/3152925

20 Tongdean Avenue, Hove, Brighton & Hove BN3 6TL

- 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 Coleman against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/04563, dated 17 December 2015, was refused by notice dated 3 May 2016.
 - The development proposed is the erection of five bedroom residential dwelling to replace existing house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of the occupiers of Nos 18 and 22 Tongdean Avenue in relation to light, outlook and privacy.

Reasons

Character and appearance

3. No 20 is a two storey detached house in a row of individually designed properties on the western side of Tongdean Avenue. The houses are set in good sized plots with particularly long rear gardens which drop away gently behind. There is also a drop in levels from north to south along the road. The proposal is to replace the existing house with a three storey, flat roofed building which would have split levels inside and also be built into the slope.
4. The houses along this side of Tongdean Avenue are traditional in appearance, of two storeys with pitched tile roofs. In contrast, the proposal would introduce an unashamedly contemporary flat roofed design with Art Deco influences. Whilst the width of the building would be significantly increased at first floor level compared to the existing house, it would also be set slightly further back from the road, with a roof height about the same as now and slightly below the properties on either side. The existing gaps between properties on each side would be retained. Taking these factors together, the proposal would not be unduly prominent in the street scene but the distinctive design approach would add to the variety and character of the area.

5. However, from the rear, the proposed building would have a full three storey appearance and would extend further back into the garden. The extension to the rear together with the much wider, glazed first floor and flat roof design would combine to make the first floor appear unduly prominent compared to the existing more discreet house and the two pitched roof properties on either side. Although not seen from public viewpoints, the proposed house on its elevated site would appear as an intrusive and discordant feature in views from many nearby private gardens to the west and south.
6. For this reason the proposal would cause significant harm to the character and appearance of the area in conflict with Policy CP12 of the Brighton & Hove City Plan Part One 2016. This seeks to raise the standard of architecture and design in the city and establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods.

Living conditions

7. The siting of the proposed house further back into the rear garden would also have implications for the living conditions of adjacent occupiers. Compared to the existing house, the proposal would extend significantly further back alongside No 22 to the north, particularly at first and ground floor levels, and would also be sited somewhat closer to the common boundary. Whilst the roof of the existing house slopes away from No 22, the new building would rise up to the full height of the flat roof alongside the common boundary.
8. The side elevation of No 22 includes two small windows which serve a main living room. These are not however unimportant secondary windows, as the other window facing towards the rear garden opens firstly into a conservatory. As such, the light entering the living room is reduced, and the two small windows either side of the fireplace assume extra importance. The proposal, by introducing a tall flank wall alongside much of No 22, would cause a noticeable loss of light in this room, particularly as it would lie to the south.
9. On the other side, the existing No 20 already extends well back behind the rear elevation of No 18 and the proposed house would extend back about the same distance. However, the existing roof slopes away from No 18, and despite the side dormer and large shed on the common boundary, the proposal would increase the sense of enclosure along the first section of the rear garden. In particular, bedroom 4 and the set back but tall study would increase the bulk of the building behind No 18 compared to the existing situation. This would further curtail the outlook from the rear facing windows of No 18, particularly the dining room window on the ground floor and the bedroom window above.
10. In relation to privacy, all the side facing windows of the new house would be obscure glazed. The rear facing balcony at ground floor level would replicate to some extent the existing bedroom balcony and with the proposed side screen and existing boundary screening the loss of privacy in the garden of No 22 would be minimal. However, the first floor balcony and adjacent windows would allow new high level views into the rear gardens of nearby properties, particularly the lower level garden of No 18. Although the balcony would be narrow and have side screens, adjacent occupiers would perceive a significant loss of privacy from the additional high level windows.
11. For these reasons the proposal would cause significant harm to the living conditions of the occupiers of No 22 in relation to loss of light and No 18 in

relation to loss of outlook and privacy. This would conflict with saved Policy QD27 of the Brighton & Hove Local Plan 2005 which seeks to ensure that development does not cause a loss of amenity to adjacent residents.

Conclusion

12. It is appreciated that the proposal has been modified to reduce its bulk compared to an earlier scheme. It would provide improved accommodation for its occupiers and economic benefits particularly during construction. However, having regard to the above concerns, the appeal should be dismissed.

David Reed

INSPECTOR