



Appeal Decision

Site visit made on 12 February 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2020

Appeal Ref: APP/Q1445/D/19/3239095

2, The Conifers, Tongdean Avenue, Hove, East Sussex, 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 Ms N Mutawa against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/00840, dated 20 March 2019, was refused by notice dated 30 August 2019.
 - The development proposed is first floor extension to existing detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal seeks to retain the first floor extension that has already taken place on an existing garage. I have dealt with the appeal on this basis. In doing so I have had regard to the plans that show the previous appearance of the garage.
3. At the request of the Council I visited both No.1 and No.3 Barrowfield Close during my site inspection.

Main Issues

4. These are:
 - the effect on the living conditions of the occupants of neighbouring residential properties along Barrowfield Close, with particular regard to whether or not there is an overbearing effect; and
 - the effect on the character and appearance of the area, with particular regard to the Tongdean Conservation Area.

Reasons

Living Conditions

5. The extended structure appears as a two-storey building with a flat roof. The vertical rear wall rises to a significant height, close to the boundary with No.3 Barrowfield Close. On the basis of the plans provided the former pitched roof rose to a similar maximum height, but sloped away from the boundary¹, limiting the impact on this neighbouring property and its garden area.

¹ As identified as the south elevation on the existing and proposed plans.

6. Because of its height, proximity to the shared boundary and additional bulk at first floor level, the extended building now dominates views around the garden of No.3 Barrowfield Close. It competes for visual attention with the trees and vegetation to the rear of this residential garden. Neither these existing landscaping features, nor the small shed to the rear of No.3, are effective in disguising the extended building.
7. The extended building therefore appears as an overbearing and visually intrusive development, when viewed from No.3. It has led to material nuisance and loss of amenity to the residents of this neighbouring property.
8. It is implied that further planting could take place within the garden of No.3 Barrowfield Close to screen the building and therefore reduce the harm. However, the evidence before me does not indicate this land is under the control of the appellant, so there is no guarantee that such planting would take place. As such, on the evidence before me the identified harm cannot be successfully mitigated through landscaping.
9. The structure is also visible from the garden of No.1 Barrowfield Close. However, in this case only a small part of it is close to the boundary, and the outlook around the neighbouring garden is otherwise open and unobstructed. The extended building does not therefore have a harmful overbearing effect on the residential occupants of this property.
10. Overall the effect on the living conditions of the occupants of neighbouring residents would be unacceptable, due to the overbearing effect on No.3 Barrowfield Close. This harm cannot be overcome through the use of planning conditions, including those relating either to materials or landscaping. The proposal conflicts with saved policies QD14 and QD27 of the Brighton and Hove Local Plan 2005 ("Local Plan"), which require, amongst other things, that extensions and alterations to existing buildings do not result in loss of amenity to neighbouring properties. These policies are consistent with the National Planning Policy Framework ("the Framework"), which seeks to achieve well-designed places with a high standard of amenity for existing users.

Character and Appearance

11. The garage building sits within a large back land plot, which also houses a large contemporary residential building which appeared to be of recent construction. The extended garage is of a height and scale that is visually subservient to the host building. The materials used have a similar contemporary appearance and colour palette to those found on the main building. Given the large size of the plot and the significant distance from any public views, there is no harm to the character and appearance of the host building, its immediate setting, or the surrounding area.
12. The site falls within the Tongdean Conservation Area. This is a collection of large, predominantly detached houses with spacious gardens exhibiting mature vegetation. Collectively it represents a well-preserved example of high quality, mainly early 20th Century suburban development, from which its special historic interest is derived. However, the plot does not have a significant street frontage, and the extended building is not prominent in any public views within the Conservation Area. Architecturally, the extended building has an acceptable visual relationship with the host property. The overall effect on the

Conservation Area is therefore neutral. Both its character and its appearance are preserved.

13. Accordingly, there is no harm to the character and appearance of the area, including the Tongdean Conservation Area. There is no conflict with policies QD14 and HE6 of the Local Plan, nor CP12 and CP15 of the Brighton and Hove City Plan Part one (March 2016) which require, amongst other things, that new development including extensions conserve the city's built heritage and its setting, and uses materials sympathetic to the parent building.

Other Matters

14. The extension provides additional habitable space for the occupants of the main residential property, including an office and storage space. Because of its substantial bulk, the extended building also acts as a privacy screen, preventing overlooking of neighbouring properties from the main property. However, these considerations do not justify the retention of the extension, in the face of the harm identified.
15. As a consequence of the harm identified above, the proposal conflicts with policies in the Framework which seek to achieve well-designed places. The presumption in favour of sustainable development does not apply.
16. Interested parties raise other concerns to those identified in my reasoning above. However, they do not materially add to the harm identified.

Conclusion

17. The proposal would not lead to harm to the character and appearance of the area, including the Tongdean Conservation Area. However, it would result in unacceptable harm to the living conditions of the occupants of No.3 Barrowfield Close, through the creation of an overbearing effect. The proposal conflicts with the development plan, when it is considered as a whole, and there are no other considerations that outweigh this finding. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR