



Appeal Decision

Site visit made on 17 February 2010

by **Frances Mahoney DipTP MRTPI IHBC**

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

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Decision date:
1 March 2010

Appeal Ref: **APP/Q1445/D/10/2119746** **55, Dyke Road Avenue, Hove, 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 Blencowe against the decision of Brighton & Hove City Council.
- The application Ref BH2009/02152, dated 8 September 2009, was refused by notice dated 2 November 2009.
- The development proposed is a two storey side extension to replace garage. Revised version of rejected application BH2008/00698.

Decision

1. I allow the appeal, and grant planning permission for a two storey side extension to replace garage at 55, Dyke Road Avenue, Hove, East Sussex BN1 5LE in accordance with the terms of the application, Ref BH2009/02152, dated 8 September 2009, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1633/7 E, 1633/28 A, 1633/29 C.

Main issue

2. I consider the main issue in this case is whether the proposed two storey extension would preserve or enhance the character or appearance of the Tongdean Conservation Area.

Reasons

3. The Tongdean Conservation Area is predominantly residential in character and comprises, in the main, large impressive individual detached houses on generous plots with mature landscaping and grand front walls and gardens. The majority of housing was built in the early 20th Century ahead of the dense, close-knit suburban sprawl which now surrounds it.

4. Dyke Road Avenue is a busy heavily trafficked local route into the City. No 55 is a large house, rendered at first floor with half-timbering, and a steeply sloping roof, set back from the road behind a substantial front boundary wall and gates.
5. The appeal proposes the demolition of the existing large double garage to the side of the house and the erection of a two storey extension set some 1.5 metres from the common side boundary with No 9 The Spinney, a corner bungalow. The extension would be set back from the main front wall of the house, and the hipped roof would be of a height and design so as to appear subservient to the main body of the residence, thereby reducing the overall bulk of the new addition. It would balance against a similar existing extension on the other side of the house.
6. No 55 stands on a large plot. The existing side extension is set just off the northern boundary. The proposed extension would extend the two storey built form of the house across much of the width of the plot. However, I saw a number of other substantial houses within the Conservation Area taking full advantage of their generous plot widths in a similar fashion.
7. No 9, The Spinney is low level in its profile and is an unassuming property in the context of its large well-to-do neighbours. The relationship between No 9 The Spinney and No 55 Dyke Road Avenue is close, the side wall of No 9 being set on the common boundary with No 55 for virtually the whole of the depth of the front garden area and beyond. The roof of No 9 pitches away from No 55 which serves to increase the visual separation between the two buildings at first floor level, increasing the impression of space between the buildings.
8. The large, impressive and expansive nature of the houses within the Conservation Area; the subservient nature of the design of the extension; its set-in from the side boundary in conjunction with the low profile nature of the neighbouring bungalow and its roof; and the lay back of the existing house from the road are all factors which led me to conclude that the appeal proposal would preserve the character and appearance of the Tongdean Conservation Area. This would be in accordance with the *Brighton & Hove Local Plan* saved policies QD1, QD2, QD14 and HE6 which reflect the requirements of the legislation and national guidance in this regard, and seek to ensure that new development is of a high quality design which will successfully integrate into its context.

Conditions

9. I considered the conditions put forward by the Council in the light of the advice in Circular 11/95. I agree that details of the external materials to be used in the construction of the extension should be submitted in the interests of the appearance of the surrounding area and the Conservation Area. In addition, for the avoidance of doubt and in the interests of proper planning, I shall impose a condition requiring that the development is carried out in accordance with the approved plans.
10. However, the Council has suggested two conditions, one in respect of obscure glazing the first floor side windows and a second one dealing with future openings including dormer windows in the side extension. The first floor side windows are both small windows serving shower rooms. The windows overlook

the side roof slope of No 9 The Spinney and in these circumstances I do not see that they would be a concern in terms of privacy for the residents of the neighbouring bungalow. Further, for the privacy of the residents of No 55 these windows are likely to be obscure glazed in any case. Such a condition would therefore be unnecessary and onerous.

11. The second condition seeks to control future openings (windows, dormer windows, rooflights or doors) in the side extension. As No 55 Dyke Road Avenue lies within a conservation area, an addition or alteration to the roof of the dwelling would require planning permission. In respect of additional windows, doors and rooflights, taking into account my comment above regarding the relationship of No 55 with No 9 The Spinney, I do not consider it necessary to control such future openings as there is a good separation distance between the appeal site and the wider neighbouring properties. Therefore, I find this second condition to be unnecessary.

Frances Mahoney

INSPECTOR

