



Appeal Decision

Site visit made on 12 January 2011

by **Peter Bird BSc DipTP MRTPI MRICS**

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

Decision date: 25 January 2011

Appeal Ref: APP/Q1445/D/10/2141431 344 Dyke Road, Brighton BN1 5BB

- 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 P De Costa against the decision of Brighton and Hove City Council.
- The application Ref BH2010/02288, dated 22 July 2010, was refused by notice dated 6 September 2010.
- The development proposed is described as "First floor front extension incorporating second floor balcony, raised pitch roof and side dormer – variation to previous approval – BH2010/00666".

Decision

I allow the appeal, and grant planning permission for the erection of a first floor front extension incorporating second floor balcony, raised pitch roof and side dormer – variation to previous approval – BH2010/00666, at 344 Dyke Road, Brighton BN1 5BB, in accordance with the terms of the application, Ref BH2010/02288, dated 22 July 2010, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters and Planning Background

1. Planning permission, Ref BH2010/00666, has previously been granted for an earlier proposal involving alterations to provide an enlargement of the dwelling to a scale similar to that now proposed. The present scheme differs particularly in terms of the style of the front elevation and the inclusion of the balcony at second floor level. In the appellant's grounds of appeal reference is made to certain drawing numbers. However, he has since confirmed that those referred to in the Council's decision are correct and these are the ones I have taken into account in reaching my conclusion.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, having regard to the alterations to the original form and design of the host property.

Reasons

3. Dyke Road, with Dyke Road Avenue to the north, is a significant route between the centre of Brighton and its outskirts. Along its length is a range of
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- properties of varying ages, types and styles. At this point Dyke Road passes through a predominantly residential area. Within the mix of housing in the site's locality, there are some distinctive dwellings, be they in design, scale or plot size, that add visual interest and diversity to the remainder of the properties and are a significant influence on the area's character and appearance.
4. No 344 is a detached two storey house, the design of which reflects that of the latter half of the 20th century. The adjacent dwelling, No 346, and two others on the return frontage along Tivoli Crescent North are of a similar design. The previously approved development would remodel the style of the dwelling. Its resultant appearance would be relatively modern and conventional. Amongst the approved alterations, the roofspace would be enlarged by raising the ridge and extending the front and rear roof planes into full gables. Also, a ground floor projection would be extended to first floor level with a gable above.
 5. The present proposal is a further remodelling, but it would be more contemporary and less traditional in appearance. Whilst the design reflects a different period, the basic features are nevertheless seen in other properties in the immediate and wider context. Several contemporary designs are nearby in Dyke Road and a gable ended bay of similar height and a balcony are distinctive features of the older and more traditional adjacent dwelling, No 342.
 6. The latest proposed alterations appear to relate to the host building. The door and adjacent face to the proposed balcony would be set back a sufficient distance from the front of the proposed bay so as not to be unduly prominent in relation to the alignment of the window and door openings below. Furthermore, the balcony appears to be bounded by the side wall to the bay on one side and extends across to align with the outside of the new window to the first floor bedroom below. In a similar manner, the taller side of what appears to be a glazed panel in the gable end to the second floor bedroom also relates to one side of the first floor bedroom window below. The gable ended bay would be effectively split in two as described by the Council, albeit the projection would be slightly offset beneath the ridge of the main roof. However, when seen from a southerly direction in the adjacent street scene the bay's roof would appear as part of the main roof; and from the northerly direction the projection of the bay from the main dwelling would be modest so as not to detract from the overall form and balance of the altered building.
 7. Whilst the proposal would remodel the dwelling so as to create a different style and a more contemporary design, this would complement the area's diverse range of housing. Moreover, the proposed design has regard for the dwelling altered as a whole and would not detract from the host property nor would it harm the character and appearance of the area, particularly the street scene along Dyke Road. In so doing it would not conflict with the Brighton and Hove Local Plan Policy QD14 and its considerations for extensions and alterations, particularly with regard to the design and relationship with the host property and the surroundings. For the reasons given above and having regard to all other matters raised, I conclude that, subject to the conditions set out in the schedule at the end of this decision, the appeal should be allowed.
 8. I have considered the use of conditions having regard to the advice contained in Circular 11/95 and I have amended those suggested by the Council

accordingly. The control of materials is necessary in the interests of the character and appearance of the area. Obscured glazing is required to protect the living conditions of the occupiers of the adjacent dwelling. Similarly, a restriction on permitted development is reasonable and necessary in the latter regard, and in addition so as to protect the area's character and appearance I consider it is justified to provide appropriate control of any later proposals to alter the design of the dwelling as hereby approved.

Schedule

- i) The development hereby permitted shall begin not later than three years from the date of this permission.
- ii) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- iii) Before the first occupation of the development hereby permitted the windows at first floor level and above in the south facing side elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
- iv) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order with or without modification), no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed.

Peter Bird

INSPECTOR

