

---

## Appeal Decision

Site visit made on 17 May 2016

**by Nicola Davies BA DipTP MRTPI**

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

**Decision date: 23 June 2016**

---

**Appeal Ref: APP/Q1445/W/16/3144906**  
**326 Dyke Road, Brighton.**

- 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 Z Kordek against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/03878, dated 10 October 2015, was refused by notice dated 28 January 2016.
  - The development proposed is the conversion of garage to garden studio/children's games room and gym including single storey extension.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Policies QD1 and QD2 from the Brighton and Hove Local Plan (the Local Plan) referred to by the Council in its decision notice have been superseded by Policy CP12 of the Brighton and Hove City Plan Part One (the City Plan) which was adopted since the appeal was submitted. Both main parties were given the opportunity to comment on the relevance of the new Plan policies.

### Main Issue

3. The main issue in this case is the effect upon the character and appearance of the area.

### Reasons

4. The character of the area is one of large properties set within sizeable plots, which benefit from open frontages. Although there are a small number of garages and other structures that project forward of the front building line of properties within the vicinity, in the main, these are low-key. The existing garage is sited in front of the property and behind a substantial front boundary wall. The land levels fall away toward the road. As a result the garage sits at a lower level to the dwelling; however the pyramid roof of the existing garage is clearly visible from the public highway.
5. Whilst the extension would be designed to be sympathetic to the materials and design of the existing garage and maintain a continuous ridge height, the extension would significantly increase the amount and size of built development to the frontage of 326 Dyke Road. The resulting development

would be a substantial detached building sited in front of, and in close proximity to, the main dwelling.

6. The proposed development, as a result of its overall size and siting, would have an uncomfortable visual relationship with the host dwelling. In addition, the extended building would be prominent when viewed from the surrounding area and the front drive of the adjoining dwelling that shares its access with the appeal site. To my mind, the proposal would be out of keeping with the character and appearance of the existing pattern of development in the area. Although I acknowledge the garage is already in place, this in its own right does not justify an extension to it.
7. The plans indicate the development would comprise 4 rooms; a garden studio, gym, bathroom and an unspecified room which would access onto a small courtyard. Whilst I understand the Council's concern in respect of the configuration of the internal layout and the residential appearance of the resulting development being akin to a small dwelling, I must nonetheless consider the scheme that is before me. I am satisfied the plans indicate that the building would be used for purposes of an ancillary nature. Nonetheless, my conclusion in respect of this matter does not alter the above considerations.
8. The appellant refers me to planning permission granted at No 323 Dyke Road, on the opposite side of the road, and I noted a double garage there connected to the main house. The garage is positioned to the south side of the frontage and an openness to the frontage remains. For this reason the relationship of the garage to the main house is less prominent.

### **Conclusion**

9. For these reasons I conclude that the proposed development would relate poorly to the host dwelling and would be a prominent addition that would be out of keeping with the existing pattern of development in the locality and, as such, would be harmful to the character and appearance of the area. The proposal would be contrary to Policy CP12 of the City Plan, Policy QD14 of the Local Plan and the guidance set out in in the adopted Supplementary Planning Document 12. These seek extensions and alterations to be, amongst other matters, well designed and sited and to take account of existing space around buildings and the character of the area.
10. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Nicola Davies*

INSPECTOR