

Appeal Decision

Site visit made on 23 July 2018

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2018

Appeal Ref: APP/Q1445/D/18/3202748

299 Dyke Road, Hove BN3 6PD

- 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 Stewart Gray against the decision of Brighton & Hove City Council.
- The application, Ref. BH2018/00484, dated 14 February 2018, was refused by notice dated 28 March 2018.
- The development proposed is a two storey side extension above the existing garage.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposal on the character and appearance of the existing house and the street scene of Dyke Road, and (ii) the effect on the living conditions for the occupiers of 297 Dyke Road as regards light, outlook and privacy.

Reasons

3. On the first issue, the principle of an overtly contemporary extension of radically different appearance to the host dwelling has been established by the grant of planning permission ref. BH2017/03006 in February 2018. The main difference in this appeal is the introduction of a mezzanine level that has the effect of increasing the height of the proposed extension to just below the ridge line of the host dwelling.
4. Accordingly, the first issue is much more straightforward than it might otherwise have been. And given that the extant permission is both a significant material consideration and the appellant's likely fallback position, the planning judgement is simply whether the visual impact of the extension in relation to both the host dwelling and the street scene would be acceptable.
5. In this regard, the grounds of appeal refer to the screening effect of the front hedge and its rate of growth. However, whilst I acknowledge that this hedge is indeed a highly effective screen, I can give it very little weight in my Decision due to the fact that either the appellant or a future owner of the property could remove it at any time, either through their preference or because of it becoming diseased. In any event, the appellant and his architect would recognise that the extension should be assessed on its individual merits.

6. On the main point of the visual impact, I accept that the forward projection of the proposed extension in front of the two storey north wing of the house is neither here nor there – it would make little difference in views from Dyke Road. The important factor is the height, especially in relation to the host dwelling.
7. As regards the height, the first matter to make clear is that I share the Council's view that the permission granted in February of this year was a 'distinctive and innovative' design that warranted an approval and that that scheme would make a positive contribution to the varied character and appearance of Dyke Road as described in the grounds of appeal. However, fundamental to the planning judgement in that case was (and still is) that the extension would be 'read' successfully with the host dwelling.
8. Most Local Planning Authorities' (LPA's) policies and design guides for domestic extensions refer to the need for 'subservience' or 'subordination' as a requirement for a successful addition, and Brighton is no exception. In fact on some (albeit infrequent) occasions, decisions by LPAs adhere so strictly to this mantra, that there is a failure to recognise that development proposals for enlargement can upgrade design quality or change the original appearance of a dwelling so completely that they deserve to succeed despite not being subservient.
9. However, in my view permission ref. BH2017/03006 is a success (or will be if built) precisely because it would be read from Dyke Road as the subservient element of the dwelling as a whole. The strikingly different appearance of the extension to the existing building (which I note has a contemporary feel but is in fact improved from a more traditional appearance) is so great that it needs its lower height for the existing and proposed to be read together as an entity that draws the eye, but at the same time is not perceived as 'overkill' as regards a contrast in styles with a concomitant visual impact.
10. In the case of the current proposal, the slight set-down from the existing ridge would be insufficient to preclude the extension being read as comprising too much of a contrast with the dwelling's appearance and thereby noticeably incongruous. And it is only with this greater impact as a result of the height that the provisions of Policy QD14 of the Brighton & Hove Local Plan (Retained Policies March 2016) and the guidance in SPD12 Design Guide for Extensions & Alterations 2013 become relevant.
11. The appeal decision at No. 4 Elrington Road in Hove has been drawn to my attention as an example that should be followed. However, I am unable to give it significant weight because that was a roof extension rather than a side addition, with the comparisons in height between that and this proposal being influenced by differing considerations.
12. Overall on this issue, I conclude that proposal would have a harmful effect on the character and appearance of the existing house and the street scene of Dyke Road. This would conflict with Local Plan Policy QD14 and Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2018.
13. Turning more briefly to the second issue, the effect on the living conditions for the neighbours at No. 297, the Council agrees with the objector living at that

property in respect of the scheme resulting in a loss of light, privacy and outlook. Clearly, a higher building than the existing garage will have some effects, but given that the appeal property lies to the north of No. 297; that the extension's rear elevation would be set further back and angled away, and that linear development patterns such as along Dyke Road invariably have some mutual overlooking, I am not convinced on the evidence before me that these factors would comprise a conflict with Local Policy QD27 and justify a dismissal of the appeal.

14. In the event, this is a somewhat academic point because on the first issue I consider the proposal to be unacceptable. In reaching my Decision I have noted the sharp difference of opinion on the design issue amongst those who have made representations on the application. However, I have explained my own opinion on this contentious issue in the above paragraphs, and for these reasons and having had regard to all other matters raised, the appeal is dismissed.

Martin Andrews

INSPECTOR

