



Appeal Decision

Site visit made on 1 September 2008

by **R C Shrimplin**
MA(Cantab) DipArch RIBA FRTPI FCI Arb MIL

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

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Decision date:
18 November 2008

Appeal Reference: APP/Q1445/A/08/2071643 Land at 334 Dyke Road, Brighton BN1 5BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against the failure of the Council to give notice, within the prescribed period, of a decision on an application for planning permission.
- The appeal is made by Mr C Lyall against Brighton and Hove City Council.
- The application (reference BH2007/04384) is dated 7 November 2007.
- The development proposed is the erection of a "single storey rear and side extension, double storey rear and side extension, new front boundary wall, double garage set into slope of garden".

Decision

1. I dismiss this appeal and refuse to grant planning permission for the proposed development.

Main issues

2. I have concluded that there are two main issues to be determined in this appeal. The first is the effect that the project would have on the streetscene, while the second is its effect on neighbouring residents, particularly their privacy.

Reasons

3. Dyke Road is a busy through route, a wide road with a spacious character, in a generally residential, suburban locality. Number 334 is a modest dwellinghouse, by comparison with others in the vicinity, set on a relatively large plot, on the main road frontage, and the scheme which is the subject of this appeal has the aim of converting and extending the house to create a much more substantial dwelling.
4. The proposed extensions and alterations would change the existing house profoundly. It is not a particularly large house, by comparison with its nearest neighbours and, at present, it presents a placid, mock Tudor, elevation to Dyke Road. The extended house would evidently be rather larger than the existing and the new design is rather modern in character. Nevertheless, the setting is not so sensitive, in my view, that a larger house, to a modern design, would necessarily be out of place, if well conceived and executed.
5. The materials and basic forms of the construction (with relatively small building elements and a pitched main roof) would follow through in the new design but a new image would be created, by the use of different materials and the introduction of some more quirky elements. Thus, although a main vertical emphasis would be introduced on the front elevation, by large window features,

- this centrality is drawn apart by the creation of large horizontal windows at first floor, pulled to the outer corners of the building. The main gable would have an odd asymmetry, because the inequality is only slight, and the upper part of the gable on the front elevation would sit awkwardly on the lower floors, because of the change in scale of the openings and the variation in materials, as well as the asymmetrical pattern that does not obviously derive from the structure below.
6. The design of the proposed rear elevation is more successful, because it is more coherent, though here, too, the asymmetry of the roof strikes a jarring note.
 7. At the front of the house, moreover, the scheme would introduce a new garage, with a limited turning and garden area, inserted in front of the ground floor study window of the altered house, albeit at a lower level. I am aware that other garages exist in a similar relationship to their plots, elsewhere in Dyke Road, and that the turning diagrams that have been presented demonstrate that the garage would be accessible for motor cars. Nevertheless, I have concluded that the forecourt area and garage would create a cramped development of the site that would alter the character of the setting in an unsatisfactory way, notwithstanding the relatively high hedges and walls that mark the front boundaries of a number of the plots along Dyke Road.
 8. In short, and considering the project as a whole, I have formed the opinion that the impact of the design in the streetscene would be so awkward that it would cause unacceptable visual harm, in planning terms, and that it ought not to be allowed. In my opinion, it would conflict with planning policies in the Development Plan aimed at maintaining high standards of design and protecting the visual amenities of the city.
 9. Turning to the issue of residential amenity, I have noted the proposal to incorporate a roof terrace on the rear part of the proposed extensions. While the impact of the terrace could be limited by the construction of side parapet walls (controlled by conditions), I am not convinced that such walls would be sufficient to protect the privacy of neighbours, in their gardens. For this reason, also, therefore, I am convinced that the scheme which is the subject of this appeal is undesirable in planning terms and contrary to residential policies in the Development Plan.
 10. I have considered all the other matters raised in the representations, including the desirability of extending and improving the existing house, but I have found nothing to cause me to alter my decision.
 11. In reaching these conclusions, I have considered whether the appeal could be allowed but subject to conditions to address the design issues that I have identified. I have formed the opinion, however, that any such condition or set of conditions would be so complex and onerous as to be unreasonable and that therefore the appeal must be dismissed.

RC Shrimplin

INSPECTOR
