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## Appeal Decision

Site visit made on 30 July 2013

**by Mr C J Tivey BSc (Hons) BPI MRTPI**

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

**Decision date: 10 October 2013**

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### **Appeal Ref: APP/Q1445/A/13/2195163**

### **43 Dyke Road Drive, Brighton, BN1 6AJ**

- 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 David Crowther against the decision of Brighton and Hove City Council.
  - The application Ref BH2012/04019, dated 18 December 2012, was refused by notice dated 25 February 2013.
  - The development proposed is loft conversion with rear dormer to maisonette.
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### **Decision**

1. The appeal is allowed and planning permission is granted for a loft conversion with rear dormer to maisonette at 43 Dyke Road Drive, Brighton, BN1 6AJ in accordance with the terms of the application Ref: BH2012/04019, dated 18 December 2012, subject to the following conditions:
  1. The development hereby permitted shall begin not later than three years from the date of this Decision.
  2. The development hereby permitted shall be carried out in accordance with the following approved plans: ADC535/LP, ADC535/BP, ADC535/01A, ADC535/02A and ADC535/03.

### **Main Issues**

2. I am mindful that paragraph 17 of the National Planning Policy Framework takes account of the needs of residential communities to secure a good standard of amenity for all existing and future occupants of buildings. Also I acknowledge that the proposal would provide much needed family accommodation, but these personal circumstances are transient and I can accord them little weight in support of a proposal for a permanent built extension. Therefore, the main issues in this case are: firstly, the effect on the character and appearance of the host building and the rear of the wider terrace and secondly, on the adjoining Preston Village Conservation Area.

### **Reasons**

3. The appeal site is situated on the north eastern side of Dyke Road Drive, within a long curving terrace on ground that rises up to the north west. The terrace is
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predominantly two storeys to the front elevation with three storeys (including basements) provided to the rear elevations which have been altered and extended over time. These alterations include the provision of box dormer roof extensions to a number of the buildings. The terrace backs onto a vacant and overgrown development site which itself fronts onto the A23 (Preston Road) the opposite side of which forms the boundary to the Preston Village Conservation Area.

4. The proposed dormer would be of a substantial box type construction with a flat roof. Plain hanging tiles would clad its elevations which in themselves are quite a common feature in Sussex.
5. The Council's Supplementary Planning Guidance Note 1: Roof Alterations and Extensions (SPG) was approved following public consultation and states that often modern loft roof extensions are over-sized and relate poorly to the design of the existing building. The SPG goes on to state that schemes that rely on extensions of this type to gain the major part of their usable space are generally unacceptable and will be resisted. The appellant points to a box dormer of a similar size to the appeal proposal to the rear of 39 Dyke Road Drive, granted planning permission by the Council (Ref BH2007/03799). In that case, the rear roof pitches of both adjoining properties had dormers and the Council accepted that the proposed design did not conform to the SPG, but concluded that the character and appearance of the parent building would not be harmed.
6. I am aware that the development plan policy context has not changed since that decision was made and whilst I have not been given the full details of the background to other dormers constructed along the terrace, they have now become a predominant theme, albeit that there are none at Nos 41-45, at and near the appeal site. Nevertheless, the terrace reads as one-and-the-same building mass from Preston Road and, on balance, the proposed rear dormer would not adversely impact upon the character and appearance of the host property or the rear of the terrace as a whole. The proposal therefore complies with Policy QD14 of the Brighton and Hove Local Plan 2005 (Local Plan) in that the proposed dormer would be sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.
7. As to the second issue, by virtue of the degree of separation between the Conservation Area and the appeal site, in addition to the largely vegetated nature of the intervening site, with tall mature trees running close to the rear of the terrace, the visual impact of the proposed dormer from the public realm would be limited. Views out of the Conservation Area would not be materially harmed and would preserve the character and appearance of its setting, in compliance with Policy HE6 of the Local Plan which deals with development within or affecting the setting of Conservation Areas.
9. Therefore, for the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

*C J Tivey*

INSPECTOR