

Appeal Decision

Site visit made on 15 September 2016

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 17 October 2016

Appeal Ref: APP/Q1445/W/16/3150340
326 & 328 Dyke Road, Hove 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 Mrs Zofia Salter against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/04538, dated 4 December 2015, was refused by notice dated 15 March 2016.
 - The development proposed is to install new pillars and an automated sliding gate with a pedestrian side gate.
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Decision

1. The appeal is allowed and planning permission is granted to install new pillars and an automated sliding gate with a pedestrian side gate at 326 & 328 Dyke Road, Hove BN1 5BB in accordance with the terms of the application, Ref BH2015/04538, dated 4 December 2015, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. Following refusal of the planning application, the Brighton & Hove City Plan Part One (CP) was adopted and policies within that plan have superseded a number of policies contained within the Brighton & Hove Local Plan (LP). The Council confirmed with their questionnaire that Policy QD14 of the LP referred to in the reason for refusal has not been superseded and remains part of the adopted development plan. I have based my decision on the current adopted policies.
3. The Council suggest that the design of the proposed wall in relation to the existing is not clear. However, the appellant confirms in their statement of case that the existing walls would be retained and the proposed wall would extend from the existing piers, with a gate to one side and flint panel to the other, to match the existing wall. I am satisfied that accurately and clearly describes the development and will proceed on that basis.

Main Issue

4. The main issue is the effect of the proposed pillars and gate on the character and appearance of the existing front boundary walls and surrounding area.
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Reasons

5. Dyke Road is a busy main road leading into the centre of Brighton. The development at this point in the road predominantly comprises large dwellings within substantial gardens, with an open area adjacent to the site that contains an underground reservoir. Most development, including this site and the reservoir adjacent, is located behind substantial front boundary walls of varying heights along this side of the road. Timber or wrought iron gates are provided within the walls that reflect the height of the walls and provide access to the dwellings behind.
6. The proposed pillars have been designed to match the design and materials of the existing pillars and, as such, would be in keeping with the character and appearance of the existing walls and surrounding area. To one side would be a timber pedestrian gate, to the opposite side would be a flint panel that would match that of the remainder of the wall.
7. The gates are proposed to be constructed of solid timber and would slide behind the wall when open, blocking views into the front gardens of the properties from the road when closed. Whilst this differs from the wrought iron gates providing access to the reservoir, it reflects the design and materials of a number of other gates to the front of surrounding properties that are also constructed in solid timber.
8. For these reasons, I conclude that the proposed pillars and gate would not cause harm to the character and appearance of the existing front boundary walls and surrounding area. As such, they would comply with Policy QD14 of the LP that require extensions or alterations to existing buildings to be well designed and detailed in relation to the existing building and character of the surrounding area and use materials sympathetic to the building.

Conditions

9. I have imposed a condition specifying the relevant drawings as this provides certainty. A condition is necessary for samples of materials to be submitted and a sample panel of the flintwork be constructed on site to ensure that they would maintain the character and appearance of the area. A condition is necessary to provide a remote opening mechanism to limit the need for vehicles to stop on the highway prior to accessing these properties, in order to protect highway safety. Given my conclusions above regarding the timber gates, I do not consider it necessary to include a condition requiring wrought iron gates. In some cases I have amended the wording of conditions suggested by the Council in the interests of clarity.

Conclusion

10. On the basis of the above considerations, I conclude that the appeal should succeed.

AJ Steen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawings numbered 28915 (existing and proposed elevations), 28916 (existing plan and existing and proposed plans and elevations), 28917 (existing and proposed plans and elevations), 64217 (site plan) and 64220 (location plan).
- 3) No development shall take place until:
 - (a) samples of the proposed brick have been submitted to and approved by the local planning authority in writing;
 - (b) a sample panel of the flintwork shall have been prepared on site for inspection and approved in writing by the local planning authority.

The development shall be constructed in accordance with the approved samples, which shall not be removed from the site until completion of the development.
- 4) The gates hereby approved shall not be installed until details of an automated opening mechanism for the gates has been submitted to and approved in writing by the Local Planning Authority. The approved system shall be installed prior to first use of the gates and shall be retained as a functioning system thereafter.