

# Appeal Decision

Site visit made on 21 March 2017

**by John D Allan BA(Hons) BTP MRTPI**

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

**Decision date: 3<sup>rd</sup> April 2017**

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## **Appeal Ref: APP/Q1445/D/17/3166571**

### **136 Longhill Road, Brighton, Brighton & Hove, BN2 7BD**

- 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 Derrick Herriott against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/04462, dated 10 December 2015, was refused by notice dated 18 November 2016.
  - The development proposed is a roof conversion of a detached garage with internal alterations.
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## **Decision**

1. The appeal is allowed and planning permission is granted for a roof conversion of a detached garage with internal alterations at 136 Longhill Road, Brighton, Brighton & Hove, BN2 7BD in accordance with the terms of the application, Ref BH2015/04462, dated 10 December 2015, 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: Drg Nos 3508.EX.01 & 3508.PL.05.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 4) The detached outbuilding to which the development hereby permitted relates shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 136 Longhill Road.

## **Main Issues**

2. The main issues are whether the proposal would amount to a self-contained unit of accommodation and its effect upon the character and appearance of the area.
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## Reasons

3. The appeal relates to a detached garage building that sits within the curtilage of 136 Longhill Road, a detached dwelling that occupies a backland location behind properties fronting Longhill Road and which backs on to the rear gardens of properties beyond, on higher ground along Wanderdown Road. The appeal site is accessed via a shared driveway from Longhill Road.
4. At the time of my visit the garage was cleared of any contents but provided typical ground floor garaging space with internal stairs leading to an area of first floor storage served by a front facing dormer window. Nevertheless, I note that planning permission was given in October 2015 for what was described as '*Conversion of detached garage to form annex with alterations including roof extension, side dormer and rooflights with associated external works*' (Ref BH2015/03045). That permission remains extant.
5. The appellant has provided a copy of approved Drg No 3508.PL.04 Rev A, which is referenced within the decision notice. This shows the garage converted to living space with an entrance lobby, toilet/shower room, and sitting room all on the ground floor, and with a bedroom over. The roof is shown to be altered from a hip end and dormer to a gable to the front, where the garage door would be replaced with an entrance door, and a side dormer added to match the width of an existing triple-width window opening below.
6. In that case the Council was clearly satisfied that the building would be used as an annex in connection with the main dwelling at No 136 and further control was imposed through the use of a condition accordingly, to ensure that the building would not be occupied as a separate unit of accommodation. The current appeal proposal is similar to the permitted scheme but includes a wider side dormer window and an enlarged ground floor flank window below. In addition the first floor space would include an en-suite WC.
7. The Council is concerned that there is no clear dependency shown between the building and the main dwelling. However, with the exception of the first floor en-suite WC, I see little difference between the space that has been accepted by the extant planning permission and the current proposal.
8. The express intention of the proposal is for the existing building to be occupied as an annex to the main dwelling. The building would share a number of facilities with the main house, including access for drivers and pedestrians, parking and the garden areas. It would remain to be a considerably smaller building in comparison to the main dwelling, being subservient in scale and function. It would be devoid of any kitchen facilities and it would be within immediate proximity and access to the main dwelling. Overall, and consistent with the Council's previous view, I am satisfied that the building would be clearly capable of being occupied as an annex in relation to No 136.
9. Whilst I consider it unlikely that the building would be occupied as a separate dwelling, I accept that it could be possible with some internal alterations and if this were to be the case this could lead to conditions that would be prejudicial to the living conditions of future occupants in terms of the quality and amount of the living and amenity space. It could possibly also lead to difficulties in relation to car parking provision and access. Nevertheless, occupation in this

manner could readily be controlled by condition, again consistent with the Council's previous approach.

10. I have noted the Council's view that a condition would not ensure a link with the main dwelling in perpetuity given the access and layout of the proposed extensions and in this regard they make reference to an appeal case in Chichester dating from 2002. However, I have no detailed knowledge of the case they refer to. Moreover, I have carefully considered the relationship between the proposal and the main dwelling above and have found that the building would be clearly capable of being occupied as an annex. Furthermore, the Council's approach to the use of a condition in this instance runs counter to their approach as recently as October 2015. In my view a condition would be necessary, for the reasons I have given. I am also satisfied that it would meet the further tests given within the National Planning Policy Framework and the government's Planning Practice Guidance for the use of conditions.
11. The Council considers that the enlargement of the garage at roof level and the installation of windows and doors would create the appearance of a small dwelling within the front garden. I disagree. With the exception of a wider dormer window and window below, the appeal proposal would be virtually identical to that permitted by the Council in 2015. The proposed dormer would sit comfortably within the roof slope of the building, which would remain subordinate to the main dwelling. Overall, I consider that the building would appear comfortable in its setting within a contained residential plot, without any impact upon the wider character or appearance of the area.
12. In light of these findings I am satisfied that the use of the building as a self-contained dwelling could be adequately controlled by condition and that there would be no harm to the character or appearance of the area. In these circumstances there would be no conflict with Policy CP14 of the Brighton & Hove City Plan Part One (CP Pt 1) March 2016, which deals with housing density, or with Policies HO5 and QD27 of the Brighton & Hove Local Plan 2005, which deal with the provision of private amenity space in residential development and the protection of residential amenity respectively. Neither would there be conflict CP Pt 1 Policy CP12, which deals with the quality of urban design.

### **Conditions**

13. In addition to the condition discussed above, a condition specifying the relevant drawings is necessary to provide certainty. I note that the decision notice makes reference to Drg No 3508.PL.04. The Council has since confirmed that this is an error and that the application drawing was in fact Drg No 3508.PL.05. My condition reflects this. In order to safeguard the character and appearance of the area a further condition is also necessary to ensure that the new works are carried out in materials to match the existing.

### **Conclusion**

14. For the reasons given, and in the absence of any other conflict with the development plan, the appeal is allowed.

*John D Allan* INSPECTOR