
Appeal Decision

Site visit made on 4 July 2019

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2019

Appeal Ref: APP/Q1445/D/19/3227765

8 Lloyd Road, Hove, BN3 6NL

- 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 Ms Tina Macauley against the decision of Brighton and Hove City Council.
 - The application Ref BH2019/00125, dated 15 January 2019, was refused by notice dated 26 February 2019.
 - The development proposed is the replacement of existing polycarbonate glazed roof with dummy pitched/flat roof (incorporating 2no. roof lights) and installation of new bi-fold doors.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of existing polycarbonate glazed roof with dummy pitched/flat roof (incorporating 2no. roof lights) and installation of new bi-fold doors at 8 Lloyd Road, Hove, BN3 6NL in accordance with the terms of the application, Ref BH2019/00125, dated 15 January 2019, 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 RFA 18/438/OS, RFA 18/438/01, RFA 18/438/02, RFA 18/438/04, RFA 18/438/05, and RFA 18/438/06.
 - 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.

Reasons

2. The proposal involves alterations to an existing single-storey extension to the rear of 8 Lloyd Road, a detached, two-storey dwelling that occupies a corner plot with a side return frontage onto Lloyd Close. The works would involve replacing a polycarbonate roof with a part flat roof/part dummy pitched roof, the installation of rooflights, and the installation of bi-fold doors to the rear and to one side elevation.

3. I agree with the Council that the alterations would be in-keeping with the character and appearance of the existing house, and that there would be no impact upon the living conditions of any nearby occupiers.
4. The works would not alter the footprint of the existing extension. There would be no encroachment of any new building beyond the confines of the existing dwelling. Consequently, the proposal that is before me would not impact upon the amenity space that is associated with the dwelling. I cannot therefore concur with the Council's view that there would somehow be conflict with Policy QD27 *Protection of amenity* of the Brighton and Hove Local Plan (retained policies March 2016) through some loss of amenity to the existing residents.
5. The appeal property benefits from an extant planning permission for the erection of a 2-bedroom dwelling to the rear that would involve sub-division of the plot (Ref BH2017/04070). At the time of my visit the new plot had been created through the erection of a timber fence across the width of the site and a new rear boundary for No 8. No works of construction for the dwelling were underway; the new plot merely being advertised for sale.
6. The planning drawings for the new dwelling showed that the existing extension to No 8, to which this current appeal relates, would be demolished as part of the proposal. The Council allege that the appeal proposal is for the retention and alteration of the extension and that without the extension being demolished the garden space that would be left for No 8 would be insufficient. However, I have already established that the appeal proposal would not impact upon the existing amenity space and it is not for me to determine as part of this section 78 appeal whether either the sub-division of the plot, or the future retention of the extension, is, or would, be lawful. I have considered the appeal at face-value, based squarely upon the household planning application that was submitted to the Council, and upon the merits of the case. For the reasons amplified above, the replacement of the existing polycarbonate glazed roof with a dummy pitched/flat roof and the installation of new bi-fold doors would not affect the amenity space associated with No 8.

Conditions

7. A condition specifying the relevant drawings is necessary as this provides certainty. In the interest of maintaining the character and appearance of the area it is necessary to ensure that the external materials used match the existing building.

Conclusion

8. For the reasons given, I am satisfied that the works described in the planning application would not impact upon the living conditions at 8 Lloyd Road. In the absence of any other conflict with the development plan, the appeal is allowed.

John D Allan

INSPECTOR