



Appeal Decision

Site visit made on 17 June 2026

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2026

Appeal Ref: APP/U1430/X/24/3353361

9 Albany Mansions, Marina, Bexhill-on-Sea, East Sussex TN40 1BU

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended (the Act) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Richard Lees against the decision of Rother District Council.
 - The application ref RR/2024/974/O, dated 30 May 2024, was refused by notice dated 5 September 2024.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which a certificate of lawful use or development is sought is the change of existing up-and-over garage door into a PVC 'patio' style door.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Applications for an LDC under section 192(1)(b) of the Act relate to whether the operations proposed would be lawful. In this case, it is suggested that the proposed replacement door would either not materially affect the appearance of the building such that it would not comprise development as defined in section 55 of the Act or that it would comprise development permitted by Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) as amended.
3. Considerations relating to any effect of the door on the character and appearance of the building and surrounding area, the safety of the existing door and need for a replacement cannot be assessed through application for an LDC.

Main Issue

4. Taking account of the above, the main issue is whether the Council's refusal of an LDC was well founded in relation to whether the proposed door would materially alter the appearance of the building or if it were development permitted by the GPDO.

Reasons

5. Photographs have been supplied showing a door like the one proposed to be installed, replacing the existing garage door. These show glazed, side hinged uPVC doors that would open outward. The existing door is a solid metal up-and-over garage door. The appearance of the patio style door would materially differ from the existing door. It would comprise a building operation as it would be an

operation normally undertaken by a person carrying on business as a builder. As a result, it would comprise development as defined at section 55 of the Act.

6. Article 3 and Schedule 2 of the GPDO allow certain changes to buildings without requiring planning permission. This includes development within the curtilage of a dwellinghouse, including enlargement, improvement or other alteration of a dwellinghouse. However, the definition of a dwellinghouse as set out in the GPDO does not include a building containing one or more flats, or a flat contained within such a building.
7. Albany Mansions is a block of flats on the junction of Albany Road and Marina in Bexhill-on-Sea. As the garage is attached to the side of one of the flats, it is development affecting a flat. There are no provisions within the GPDO allowing changes to the appearance of flats such as proposed in this instance.

Conclusion

8. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for the change of existing up-and-over garage door into a PVC 'patio' style door is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

AJ Steen

INSPECTOR