



Appeal Decision

Site visit made on 10 June 2013

by Simon Miles BA(Hons) MSc MRTPI

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

Decision date: 17 June 2013

Appeal Ref: APP/Q1445/D/13/2197582
54A Nevill Road, Rottingdean, Brighton BN2 7HG

- 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 Robert Middleton against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/03724, dated 19 November 2012, was refused by notice dated 14 February 2013.
 - The development proposed is conversion of existing detached garage into annexe for dependent relative.
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Procedural Matter

1. The proposed development, as set out above, has already been carried out and I have considered the appeal accordingly.

Decision

2. The appeal is allowed and planning permission is granted for conversion of existing detached garage into annexe for dependent relative at 54A Nevill Road, Rottingdean, Brighton BN2 7HG in accordance with the terms of the application Ref BH2012/03724, dated 19 November 2012, subject to the condition that the annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 54A Nevill Road.

Main Issues

3. These are the effects of the development on the character and appearance of the area and the living conditions of the occupiers of the annexe.

Reasons

4. The appeal relates to a detached garage to the front of 54A Nevill Road, which has been converted to habitable accommodation for use as an annexe. The garage, by reason of its size and forward position, is somewhat prominent in the street scene. However, the garage itself has not been enlarged as a result of its conversion to an annexe. Moreover, a substantial boundary wall and close-boarded timber gates limit public views to the upper sections of the walls and roof. The new openings are barely visible from the road and,
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notwithstanding the alterations, the structure retains the appearance of an ancillary outbuilding, such as a workshop.

5. I therefore find on the first issue that no significant harm would be caused to the character and appearance of the area. It follows that there is no conflict with saved Policies QD1 and QD2 of the adopted Brighton & Hove Local Plan 2005 (LP) insofar as these seek to ensure that development makes a positive contribution to the quality of the environment, taking into account local characteristics. The proposal further complies with the National Planning Policy Framework to the extent that great importance is attached to the design of the built environment.
6. Turning to the second issue, the accommodation is limited and would not suffice for an independent dwelling unit, lacking sufficient internal space and appropriate outdoor amenity space. However, the accommodation is not untypical of a small dependent annexe and would certainly be adequate for such purposes, bearing in mind that the occupiers would also have the use of the main dwelling and its garden.
7. I note that the annexe provides basic self-contained facilities but lacks independent access and amenity space. Because of this and its small size, I consider it unlikely that the annexe would be used as a self-contained residence. But in any event, I see no reason why a condition cannot be imposed to ensure that the annexe is only used as ancillary accommodation to the main dwelling. This would prevent the use of the annexe as an independent unit.
8. This leads me to conclude on the second issue that the proposed development would cause no significant harm to the living conditions of the occupiers of the annexe. Saved LP Policy QD27 is therefore satisfied in terms of the need to ensure appropriate standards of amenity for occupiers of development. Other policies cited are not relevant to this issue.
9. Overall, I find that there are no compelling or over-riding reasons why the appeal should not succeed. As the development has been completed, no conditions are necessary other than to ensure the annexe is used only as ancillary accommodation to the main dwelling.

Simon Miles

INSPECTOR