The Planning Inspectorate

Appeal Decision

Site visit made on 9 October 2018

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th October 2018

Appeal Ref: APP/Q3820/W/18/3196020
84 Teesdale, Southgate, Crawley RH11 8QW

- 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 Enrique Valles against the decision of Crawley Borough Council.
- The application Ref CR/2017/0520/FUL, dated 17 June 2017, was refused by notice dated 23 August 2017.
- The development proposed was described as 'change of use from Council owned amenity land to parking private land'.

Decision

1. The appeal is allowed and planning permission is granted for the change of use from amenity land to private residential curtilage at 84 Teesdale, Southgate, Crawley RH11 8QW in accordance with the terms of the application, Ref CR/2017/0520/FUL, dated 17 June 2017, subject to the following 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: Plan/Drawing 1 – 1:1250 scale Site Plan; and Plan/Drawing 2 – 1:500 scale Block Plan.

    3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no boundary enclosure, other than timber fencing of a height of no more than 0.91 metres and matching the design of the front garden fencing at No 84 Teesdale, shall be installed.

    4) The land subject to this permission shall not be used for the purposes of the parking of motorised vehicles.

Procedural Matters

2. The application as originally submitted to the Council sought planning permission for the site's use as a parking area for use by the occupiers of 84 Teesdale (No 84). However, prior to the application's determination by the Council the appellant agreed to the description of development being amended to refer to a 'change of use from amenity land to private residential curtilage'. I have therefore determined the appeal on the basis of the

amended description of development and included it in my formal decision above.

3. The Government published the revised National Planning Policy Framework on 24 July 2018 (the revised Framework). As the reason for refusal made an explicit reference to the previous version of the Framework the appellant and the Council have been given the opportunity to comment on any implications the revised Framework might have for this appeal's determination.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The site concerns a rectangular plot of land forward of No 84's front elevation and to the side (east) of this semi-detached house's front garden. The site has a covering of grass and there is a low hedge, consisting of a mixture of what appeared to be self-seeded plants. No 84 is one of a large number of houses within an estate following a 'Radburn' type layout, with a network of front paths connecting the dwellings with the carriageways within the estate. The layout of this estate includes some areas of soft landscaped amenity land of varying sizes between the houses.

6. The site forms part of the amenity land purposefully planned into the estate layout. However, this piece of land is of a limited extent and I found it to read more as being associated with No 84's front garden, given its proximity to that garden and its northern boundary being marked by the front elevation of No 84's single storey side extension. I therefore consider in streetscene and functional terms that the site makes no significant contribution to the amenity land provision within Teesdale or the wider estate. I am therefore of the opinion that the site's use as garden land would not adversely affect the local streetscene.

7. I therefore conclude that the development would not be harmful to the character and appearance of the area. I therefore consider that there would be no conflict with Policies CH2 and CH3 of the Crawley Borough Local Plan 2015-2030 of December 2015 and paragraph 127 of the revised Framework because the development would be respectful of its context and the area's distinctiveness.

Conditions

8. The Council has suggested various conditions and I have considered the need for their imposition, having regard to the provisions of the national policy and guidance.

9. Apart from the standard time limit condition, it is necessary for the development to be implemented to accord with the application drawings for certainty. In order to safeguard the appearance of the area I consider it necessary that no means of boundary enclosure other than timber fencing matching that already installed at No 84 should be installed and I have imposed a condition to that effect.

10. A condition removing the permitted development rights for laying hard surfaces has been suggested in order to safeguard the appearance of the area. Given the appellant's initial intention to use the site for the purposes of parking, it would appear that precluding such parking is the underlying reason for the suggested condition. I consider that while the use of the site for the parking of vehicles would not be in keeping with the area's appearance, the laying of hard surfaces of themselves would be unobjectionable. I have therefore imposed a condition precluding the site's use for the purpose of the parking of motorised vehicles without there being a prohibition on the laying of hard surfaces.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed.

Grahame Gould

INSPECTOR