



Appeal Decision

Site visit made on 5 June 2019

by A Thompson BSc BTP MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 12th July 2019

Appeal Ref: APP/Q3820/D/19/3225134

1 Turner Walk, Tilgate, Crawley, West Sussex, RH10 5LF

- 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 Shakil Ahmed against the decision of Crawley Borough Council.
 - The application Ref CR/2018/0643/FUL, dated 21 August 2018, was refused by notice dated 9 January 2019.
 - The development proposed is new single and double storey extension to rear and new porch.
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Decision

1. The appeal is dismissed insofar as it relates to the new single and double storey extension to the rear of No.1 Turner Walk. The appeal is allowed insofar as it relates to a new porch and planning permission is granted for a new porch at 1 Turner Walk, Tilgate, Crawley, West Sussex, RH10 5LF in accordance with the terms of the application, Ref CR/2018/0643/FUL, dated 21 August 2018, so far as relevant to that part of the development hereby permitted and 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted, in so far as it relates to the erection of a new porch only, shall be carried out in accordance with the following approved plans: 191217_SHT3, 191217_SHT2, 191217_SHT4, 191217_SHT1.

Procedural Matters

2. I note the application form and some of the accompanying plans refer to Turners Walk. However, as the Council and the Ordnance Survey based location plan refer to Turner Walk, that is the street name I will adopt for this decision.
3. The development proposed would provide a single and double storey extension at the rear of the property and a new porch at the front of the property. The new porch would include a ground floor WC. As the two main areas of extension are at opposite ends of the house and there is no WC currently

provided elsewhere on the ground floor, I consider that the proposed rear extension can be considered separately from the proposed new porch and I have determined the appeal on this basis.

Main Issue

4. The effect of the proposed development on the living conditions of the occupants of No.2 Turner Walk, with particular reference to sunlight and outlook.

Reasons

5. There is an existing conservatory at the rear of the host property which is less than 1 metre from the shared boundary with the adjoining property (No.2 Turner Walk). The single storey element of the rear extension that would replace the part of the conservatory nearest the adjoining property would be both taller and closer to the shared boundary than the existing structure and have a brick flank wall.
6. Neither the existing conservatory nor the proposed single storey rear extension appear to comply with the 45 degree guide test set out in the Council's urban design guidance¹, when this is applied to the nearest edge of the fully glazed lounge patio doors at the rear of No.2.
7. However, the existing conservatory is fully glazed and, as a result, that part of the structure higher than the close boarded fence between the properties has minimal impact on the outlook from, or sunlight reaching, the ground floor of the adjoining property. In contrast, the proposed single storey extension, because of its greater bulk and proximity to the boundary, would lead to a loss of direct sunlight during the afternoon and evenings in the ground floor living room of No.2.
8. The proposed two storey element of the rear extension would be about 2.5 metres away from the shared boundary. It would not meet the Council's 60 degree guide test, as set out in the Council's urban design guidance, when applied to the nearest side of the bedroom window in the adjoining property that is closest to the boundary.
9. This two storey element of the development, which would replace the other part of the single storey conservatory would be about 3 metres deep and over 6 metres high at ridge height. Given these dimensions and proximity to the shared boundary, it would have an overbearing impact on the outlook from the rear of No.2 and the area of garden nearest the house. In addition, because of its location in relation to the neighbouring property, the two storey extension would lead to a loss of direct sunlight, during the afternoon and evenings, at the rear of the No.2.
10. Consequently I conclude that the proposed single and double storey extension would cause material harm to the living conditions of the occupants of No.2 Turner Walk, both in terms of sunlight and outlook, and therefore would be contrary to Policy CH2 and Policy CH3 of the Crawley Borough Local Plan 2030 (2015)(the local plan) and the Council's urban design guidance.

¹ Urban Design Supplementary Planning Document (2016)

11. These policies and supporting guidance seek, amongst other things, to ensure that new development is well designed and does not cause unreasonable harm to the amenity of the surrounding area. The development would also be contrary to National Planning Policy Framework (the Framework) in so far as the Framework requires that new development should promote good design that does not undermine the quality of life for those living around the development.
12. I concur with the Council's view that the impact of the proposed front porch on light conditions in No.2 would be acceptable, notwithstanding that it does not comply with the 45 degree guide test. Given this element of the proposal would be of limited depth, it would also not adversely impact on the outlook from the front of No.2.
13. I find that the new porch would not harm the living conditions of the occupiers of No.2 Turner Walk and therefore would be in conformity with the relevant policies of the Local Plan, the Council's urban design guidance and the Framework.

Other Matters

14. I note that the appellant had pre-application engagement with the Council, which included written advice setting out a planning officer's view on earlier draft proposals. However, as the footnote to the advice from the Council makes clear, pre-application advice is not legally binding on the Council or upon any planning application that may be subsequently submitted.

Conditions

15. In addition to the standard time condition, I have imposed a condition specifying the relevant drawings, as this provides certainty. A condition relating to materials is necessary to ensure the appearance of the new porch matches the existing building.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed insofar as it relates to a new single and double storey extension to the rear of No.1 Turner Walk and be allowed insofar as it relates to the erection of a new porch at the front of No.1 Turner Walk.

Anthony Thompson

INSPECTOR