



Appeal Decision

Site visit made on 3 September 2019

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2019

Appeal Ref: APP/Q3820/D/19/3233385

14 Shackleton Road, Tilgate, Crawley RH10 5BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr N Patel against the decision of Crawley Borough Council.
 - The application Ref CR/2019/0290/HPA, dated 16 April 2019, was refused by notice dated 17 June 2019.
 - The development proposed is single storey rear extension which would extend beyond the rear wall of the original house by 6 metres, have a maximum height of 3.0 metres and an eaves height of 2.8 metres.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application for prior approval of a proposed larger home extension has been made under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The provisions of the GPDO require the local planning authority to assess the development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. Consequently, whilst the occupants of the adjacent properties have objected raising a number of other matters, my determination of this appeal has been made in the same manner.
3. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description. I shall determine the appeal on this basis accordingly.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of the neighbouring properties at Nos. 12 and 16 Shackleton Road (Nos. 12 and 16) with particular regard to light and outlook.

Reasons

5. The appeal site comprises a two-storey end-terrace property with a single-storey pitched roof rear projection. The proposal would provide a single-

- storey rear extension extending 6.0 metres beyond the rear south eastern elevation of the dwelling across the full width of the property. It would extend up to the common boundary with No.12 Shackleton Road (No. 12) and would be separated from this adjacent property by a 1.8m high close boarded fence.
6. The adjacent property at No. 16, to the east, is set further forward and is separated from the appeal site by a pedestrian passageway and close boarded fence running between the properties. Given the staggered building line, boundary treatment and the separation distance between the properties, I consider that the proposal would not cause significant harm to the available light, nor dominate the views to cause an unacceptable loss of outlook and sense of enclosure from the windows and gardens at the rear of No. 16.
 7. No. 12, to the west of the appeal site, has a single storey pitched roofed rear extension of about 3m leading out to a small patio area and garden immediately next to the shared common boundary. The Council indicate that the proposed extension would breach the 45-degree line from the mid-point of the nearest ground floor window of the habitable room at the rear of No. 12. Given the relatively low eaves roof height of the proposed extension and the orientation of the properties, I consider that there would not be significant loss of available light. However, this is not a determinative factor on its own.
 8. In relation to outlook, the proposed extension would result in a longer single storey projection running parallel with the common boundary with No. 12. The appellant argues that that the relationship between the proposed extension and No. 12 would not be materially different to the existing situation on the site. Given the overall scale and design of the proposed extension and the limited separation distance between the properties, I consider that the proposal would introduce a dominant and enclosing structure in close proximity to the nearest ground floor window and the small patio area at the rear of the adjacent property. The occupants of No. 12 would use this area to carry out leisure activities when relaxing and sitting out, particularly during the summer months. This, in my view, would give rise to an unacceptable loss of outlook from the room and the garden patio area at the rear of No. 12.
 9. Consequently, I conclude that the proposal would cause unacceptable harm to the living conditions of the occupiers of the neighbouring property at No. 12 with particular regard to outlook. It would conflict with Policy CH3 of the Crawley Borough Local Plan 2015 and the Council's Urban Design Supplementary Planning Document 2016. This policy and guidelines, amongst other things, seek to ensure that new extensions or other alterations do not cause unreasonable harm to the amenities of neighbouring properties.
 10. For the above reasons, I conclude that the proposed works would not comply with the limitations and restrictions specified as being applicable to the proposed development. As such, it precludes the proposal from being permitted development under terms of the GDPO.
 11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR