
Appeal Decision

Site visit made on 18 November 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2020

Appeal Ref: APP/Q3820/D/20/3245175

8 Camber Close, Pound Hill, Crawley, West Sussex, RH10 7DQ

- 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 and Mrs T Spooner against the decision of Crawley Borough Council.
 - The application Ref CR/2019/0755/FUL, dated 15 October 2019, was refused by notice dated 14 November 2019.
 - The development proposed is single storey rear extension. New side window to existing kitchen area.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension and new side window to existing kitchen at 8 Camber Close, Pound Hill, Crawley, West Sussex, RH10 7DQ in accordance with application Ref CR/2019/0755/FUL, dated 15 October 2019, but subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 19-13-05 TP; 19-13-01 TP; 19-13-10 TP.

Procedural Matter

2. The description of development used in the formal decision is taken from the Council's decision notice, as it more clearly describes the development.

Background and Main Issue

3. This full width single storey extension has been largely built. It projects around 3.5 metres from the main part of this end of terrace house, adjacent to the boundary shared with No.7 Camber Close ("No.7").
4. The Council acknowledge that a similar rear extension could be built to a depth of 3 metres, under permitted development rights. I have no reason to disagree that this represents a valid fall-back position. The fact that an extension has been started demonstrates that the appellant is motivated to extend this property, so if the appeal fails there is a greater than theoretical likelihood that such an extension will be built.
5. As such, the main issue in this appeal is the effect of the additional depth of the extension, beyond the agreed 3 metre permitted development fallback position, on the living conditions of the neighbouring residential occupants at No.7 with particular regard to overshadowing, loss of light and whether or not

an overbearing effect would be created. I was able to fully assess the impact of the proposal on No.7, from the appeal site.

Reasons

6. No.7 is a well sized terraced property, with a reasonably large garden and a good outlook from its front and rear windows. The as-built extension only encompasses about a third of its boundary with the host property. It is of a modest height, sloping down away from the main building, so is not an overbearing structure. In this context, the impact of the additional circa 0.5 m depth beyond the permitted development fall-back position is of negligible significance. It does not result in harmful levels of additional overshadowing or loss of light to any part of the neighbouring building or its garden. Nor does it create any unacceptable overbearing effect.
7. Consequently, there is no significant harm to the living conditions of the neighbouring residential occupants of No.7 through overshadowing, loss of light or any overbearing effect, as a consequence of the as-built extension. There is no conflict with policy CH3 of the Crawley Borough Local Plan (2015) which, amongst other things, requires that new development does not cause unreasonable harm to the amenity of the surrounding area. Nor does the proposal conflict with the National Planning Policy Framework, which shares similar objectives.
8. The proposal does not comply with guidance set out in the Council's Urban Design Supplementary Planning Document (2016) which, amongst other things, states that single storey extensions should not encroach in to a 45-degree line from neighbouring windows. However, given the permitted development fallback position discussed previously, this consideration would not justify refusal of planning permission in the circumstances of this case.

Other Matters

9. The extension would result in a reduction in size of the garden area associated with the host property. However, this is insignificant given the permitted development fallback position previously discussed. The other works shown on the proposed plans, including the creation of a new kitchen window, do not raise planning concerns.

Conclusion

10. The proposal complies with the development plan and there are no other considerations that outweigh this finding. The appeal should succeed subject to an approved plans condition necessary in the interests of certainty for all parties. The materials to be used are specified in sufficient detail on the proposed plans, so it is not necessary to control this via planning condition.

Neil Holdsworth

INSPECTOR