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## Appeal Decision

Site visit made on 17 December 2020

**by P J Staddon BSc, Dip, MBA (Distinction), MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 February 2021**

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**Appeal Ref: APP/D3830/W/20/3255462**

**Cregnaish, Shipley Bridge Lane, Copthorne, Crawley RH10 3JL**

- 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 & Mrs A Burgess against the decision of Mid Sussex District Council.
  - The application Ref DM/20/0641, dated 13 February 2020, was refused by notice dated 12 May 2020.
  - The development proposed is 'Construction of new dwelling in conjunction with the retention of the existing property: Cregnaish.'
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### Decision

1. The appeal is allowed and planning permission is granted for the construction of a new dwelling in conjunction with the retention of the existing property at Cregnaish, Shipley Bridge Lane, Copthorne, Crawley RH10 3JL in accordance with the terms of the application, Ref DM/20/0641, dated 13 February 2020, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

### Main Issues

2. The main issues are:
  - The effect of the development on the character and appearance of the area.
  - The effect of the development on an existing Willow tree.

### Reasons

#### *Character and appearance*

3. Creignash is a modest bungalow which occupies a deep rectangular plot on the south side of Shipley Bridge Lane, which is within the Copthorne built-up area. The bungalow is set towards the rear of the plot, such that the property has an extensive front garden which contains a single garage. This siting arrangement contrasts with the neighbouring properties to the east and west, which are set further forward and follow an informal line.
4. There is a variety of plot sizes and shapes along this stretch of Shipley Bridge Lane and a range of dwelling types and sizes, which include bungalows and two storey houses. The immediate neighbour to the east is a modest bungalow, Holdenby, which is set about halfway back on its plot. To the west is a much wider and larger plot occupied by a large two storey property, which includes a

- detached garage block at the front of the house, which appears to have accommodation at first floor level, as I observed dormer windows and roof lights serving this upper level.
5. The typically generous plot sizes, deep front gardens, established trees and landscaping, all combine to give the area a spacious, verdant and mature character and appearance.
  6. The appeal proposal would introduce a new dwelling in to the existing deep front garden of Cregnaish. It would be sited towards the western boundary and in a similar position relative to the road as the adjacent 1.5 storey garage block outbuilding just to the west. The siting would mean that the front wall of the property would be a few metres forward of the line of Holdenby to the east, but on a similar line to the properties beyond, known as Betula and Birch View.
  7. It would be a 1.5 storey design, with the upper level containing the bedrooms served by 3 dormer windows facing Shipley Bridge Lane. It would utilise the existing vehicular access point, which would lead to a parking / turning area in front of the proposed dwelling. A new access is proposed on the east side of the appeal site frontage, which would lead to a drive running alongside the eastern boundary to a turning / parking area to serve Cregnaish.
  8. Mid Sussex District Council's (the Council) first reason for refusal states that the dwelling would result in a cramped and urbanising form of development. However, I do not share this view for a number of reasons. First, the proposed siting is reflective of the informal pattern of development in the area. Second, whilst the proposed dwelling would occupy a smaller plot than its neighbours, it would not be noticeably so, and the plot size would be comparable with other properties in the area. Third, the proposed dwelling would maintain space on all sides and would not appear cramped. Fourth, the new dwelling and Cregnaish would be comfortably separated and both would enjoy good sized garden areas.
  9. I have taken into account the fact that the development would result in Cregnaish being located behind the informal line of dwellings along this part of Shipley Bridge Lane. However, the Council has not raised any specific concerns about this relationship or drawn my attention to any policies that would preclude such a tandem relationship which, in this particular case, will still retain the spaciousness and good separation between buildings that defines the mixed and relatively informal pattern of development in the area.
  10. The Council also has concerns about the additional driveway and turning area in front of the proposed dwelling. However, the frontage is relatively wide and I noticed similar parking / turning areas at properties nearby. Moreover, the proposed plan includes a front garden area which can accommodate soft landscaping, the details of which could be agreed by a planning condition. I am therefore satisfied that the development is acceptable in this regard.
  11. On this main issue, I conclude that the proposal would not be harmful to the character and appearance of the area and would, subject to suitable landscaping, boundary treatments and materials, be complementary to it. Accordingly, the proposal conforms with policy DP26 of the Mid Sussex District Plan (March 2018)(MSDP), which, amongst other matters, requires new development to be well designed to reflect local character. It also accords with paragraph 127 of the National Planning Policy Framework (the Framework)

which requires new development to be sympathetic to local character. It further accords with policies COP04.2 and COP05 of the draft Copthorne Neighbourhood Plan (February 2017) which, respectively, set out design requirements for suitable infill development, and promote sustainable residential development.

#### *Willow tree*

12. The Council's second reason for refusal concerns a Willow tree located to the front of Cregnaish. It is a relatively small tree with limited public amenity value. It is not covered by a Tree Preservation Order and there is no suggestion from the Council that it is worthy of formal protection.
13. The tree is some distance from the footprint of the proposed dwelling, but the proposed parking / turning space to serve Cregnaish would be under part of its canopy. However, the appellant's arboricultural consultant has advised that the new driveway can be successfully carried out using a non-invasive construction methodology and this can be controlled by a suitable planning condition. I have no reason to doubt this evidence.
14. I conclude on this issue that, subject to details which can be secured by a planning condition, there would be no conflict with policy DP37 of the Mid Sussex Local Plan, which supports the protection and enhancement of trees, including the incorporation of existing trees into the design of new development.

#### **Conditions**

15. The Council has suggested a list of 11 conditions. I considered these in the light of national policy set out in the Framework, and the Planning Practice Guidance. In the interests of consistency and clarity, I have made some minor amendments and rationalisation of the list. All the conditions set out in the attached Schedule are considered necessary to make the development acceptable in planning terms.
16. The standard conditions setting out the time limits, and securing compliance with the approved plans, are necessary to provide certainty. Conditions requiring details of external materials and finishes are necessary to ensure the satisfactory appearance of the new development.
17. A condition requiring drainage details is necessary to ensure that the development is suitably drained for its lifetime and to ensure that there are no adverse effects on the water environment. Given the proximity of residential neighbours and the relatively peaceful surroundings, it is reasonable to limit construction hours in the interests of amenity.
18. Conditions requiring details and implementation of boundary treatment and landscaping and tree protection, are required to ensure a high standard of development. Further conditions are necessary to ensure that vehicle parking, turning and cycle storage facilities are all in place to serve the new dwelling prior to its occupation.

#### **Other matters**

19. On 19 January 2021, the Government published the 2020 Housing Delivery Test (HDT) results. The HDT results for Mid Sussex Council do not have a

bearing on the operation of paragraph 11 of the Framework and I did not therefore consider it necessary to ask the appeal parties to comment on this matter.

## **Conclusion**

20. For the reasons stated above, the appeal is allowed and planning permission is granted subject to the conditions set out in the Schedule below.

*P. Staddon*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall begin before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location and Block Plan 1920/01B; Proposed Site Plan 1920/02B; Existing Site Plan 1920/03B; Proposed Floor Plans 1920/04A; Proposed Elevations 1920/05A; Existing and Proposed Floor Plan 1920/06A; Design and Access Statement (11 February 2020).
- 3) No development above the ground floor slab level of the new dwelling shall be carried out until details of all external materials and finishes have been submitted to and approved in writing by the Local Planning Authority and the works shall be completed in accordance with the approved details.
- 4) Prior to the commencement of development, details of the proposed foul and surface water drainage and disposal arrangements shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.
- 5) No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or Bank/Public Holidays or at any time other than between the hours 8am and 6pm on Mondays to Fridays and between 9am and 1pm on Saturdays.
- 6) No part of the development hereby permitted shall be occupied until details of proposed boundary screen walls/fences/hedges have been submitted to and approved in writing by the Local Planning Authority and until such boundary screen walls/fences/hedges associated with them have been erected or planted. The boundary treatments approved shall remain in place in perpetuity or unless otherwise agreed in writing by the Local Planning Authority.
- 7) Prior to the commencement of development, full details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. These details shall include all existing trees and hedgerows on the land, and details of those to be retained, including the Willow tree to the front of Cregnaish, together with measures for their protection in the course of development, and details of the driveway construction methodology to minimise root damage to the Willow tree. These works shall be carried out as approved. The landscaping works shall be carried out prior to the occupation of any part of

the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

- 8) The new dwelling shall not be occupied until the vehicle parking and turning spaces have been constructed within the site in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.
- 9) The new dwelling shall not be occupied until covered and secure cycle parking has been provided on the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority.