
Appeal Decisions

Site visit made on 23 February 2021

by **N Thomas MA MRTPI**

An Inspector appointed by the Secretary of State

Decision date: 11 March 2021

Appeal Ref A: APP/Q3820/C/20/3262577

Appeal Ref B: APP/Q3820/C/20/3262578

Land at Hedgerow House, Rusper Road, Ifield, Crawley RH11 0HS

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - Appeal A is made by Mr Damian Patrick Sawyer and Appeal B is made by Mrs Catherine Anne Sawyer against an enforcement notice issued by Crawley Borough Council.
 - The enforcement notice was issued on 8 October 2020.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of two walls to the front of the property adjacent to the highway exceeding 1m in height.
 - The requirements of the notice are:
 1. Demolish the walls and remove their foundations from the locations shown in red on plan ref. ENF/2019/0177;
 2. Remove from the Land all materials and debris arising from compliance with requirement 1 above;
 3. Restore the land where the walls have been demolished and foundations removed by backfilling the land with topsoil and planting with grass.
 - The period for compliance with the requirements is two months.
 - Appeal A is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
 - Appeal B is proceeding on the grounds set out in s174(2)(f) of the 1990 Act.
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Decision

1. Appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of two walls to the front of the property adjacent to the highway exceeding 1m in height at Land at Hedgerow House, Rusper Road, Ifield, Crawley RH11 0HS referred to in the notice.
2. I take no further action in respect of Appeal B.

Preliminary Matters

3. The appeal form gives the appellant's surname for Appeal A as 'Sawyers', but in other correspondence the name appears as 'Sawyer'. I conclude therefore that the latter is the correct spelling and I have used this in the banner heading above.

4. The two walls have been erected either side of the access along the road frontage. The walls curve into the site, gradually increasing in height towards the house, and include a total of five piers. Planning permission¹ has previously been refused for a front boundary wall.
5. A number of trees on the site are subject to a Tree Preservation Order (TPO)². Consent³ was granted on 21 December 2015 to remove a Poplar from the front garden of the property, and consent was refused to remove a mature Cherry. The consent for the removal of the Poplar was subject to a condition that a replacement Poplar tree should be planted in a location as close to the felled tree as practical within 12 months.
6. On 10 December 2018 a Tree Replacement Notice (TRN) was issued requiring the replanting of the Poplar, as well as a Wild Cherry Tree and a Yew Tree, as shown on a plan attached to the TRN. The Council states that the replacement trees have not been planted as required by the TRN and I have no reason to conclude otherwise.

Appeal A on ground (a) and the deemed planning application

7. Although not referred to in the reasons for issuing the notice, the Council's appeal statement refers to the impact of the development on protected trees. I have therefore identified the main issue as the effect of the development on the character and appearance of the area including the Area of Special Landscape Character (ASLC) and trees.
8. The property is a semi-detached house facing Rusper Road at an oblique angle. It has a large front garden and a vehicular access onto Rusper Road which also serves the adjacent property. It is prominently sited opposite the junction with Tangmere Road. There is a single deciduous tree to the right hand side of the access drive when looking towards the house from the roadside, set behind the boundary wall, which makes a positive contribution to the appearance of the site. The Council's evidence includes Google Street View Pictures from 2015 and 2016 which indicate that there was previously a band of vegetation, including several small trees, running alongside the right hand side of the driveway.
9. The Council's Urban Design Supplementary Planning Document (SPD) indicates that the key features of the ASLC are the large detached brick dwellings in generous plots with detailing and imposing brick chimneys, many are built in the Arts and Crafts style. One of the recommendations is to protect trees and hedges. I saw on my site visit that some front gardens in the area are open to the road, while others are separated from the road by hedges or close boarded fences. The boundary treatments and front gardens contribute to the established street scene where vegetation is an important feature.
10. The site frontage is relatively narrow, and the lengths of wall alongside the road are low, allowing views over them into the site towards the house, trees and garden planting. The taller elements of the wall are further away from the road, and therefore their height is not readily apparent in views into the site from Rusper Road. Despite their prominent siting, the walls do not therefore appear as an imposing feature in the street scene.

¹ Reference CR/2020/0152/FUL

² TPO Ref. Rusper Road No. 5

³ Ref CR/2015/0719/TPO

11. The curved form of the walls frames the access to the site. The materials used, with dark brick courses in the lower section of the walls and in the brick parapet detailing, give them visual interest so that they are an attractive element in the street scene. The brickwork is sympathetic to the materials and design of the house, and reinforces local distinctiveness. While I saw no other front boundary walls nearby, for the reasons set out above I do not agree that the walls are an urbanising feature, or discordant with the site and surrounding area.
12. The Council states that the wall compromises the planting of the replacement trees required by the TRN. However, I have seen no firm evidence that there is insufficient space for the required replanting to take place and therefore it has not been demonstrated that the development conflicts with the TRN through its siting.
13. The Council is concerned that the wall sets an unfortunate precedent that could lead to similar development. However, I have set out the specific reasons why I consider the wall to be acceptable in this instance, and any other proposals in the area would need to be determined on their own merits.
14. I therefore conclude that the walls are not harmful to the character and appearance of the area, including the ASLC and trees. The development is therefore not in conflict with Policies CH3 and CH14 of the Crawley Borough Local Plan 2015, insofar as they seek to ensure that new development is of high quality that relates sympathetically to its surroundings, having regard to the reasons for designation of the ASLC, and retains trees that contribute positively to the area. It is also not in conflict with the guidance in the SPD.

Conditions

15. The Council has suggested a condition requiring the submission of a landscaping scheme for the approval of the local planning authority, and its subsequent implementation. I have considered the condition in the light of the guidance in the Planning Practice Guidance (PPG). As I have found that the walls are not harmful to the character and appearance of the area, there is no need for landscape planting to screen them.

Conclusion

16. For the reasons given above I conclude that Appeal A should succeed on ground (a) and planning permission will be granted. Appeals A and B on ground (f) do not therefore fall to be considered.

N Thomas

INSPECTOR