

Appeal Decision

Site visit made on 19 March 2021

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 28 April 2021.

Appeal Ref: APP/Q3820/W/20/3260879

16 Matthews Drive, Maidenbower, Crawley, RH10 7HH

- 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 Dawood Bukhari against the decision of Crawley Borough Council.
 - The application Ref CR/2020/0159/FUL, dated 3 May 2020, was refused by notice dated 14 July 2020.
 - The development proposed is the change of use of amenity land to residential garden and erection of surrounding close bordered fence.
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Preliminary matters

1. The development the subject of this appeal has been undertaken and so planning permission is sought for retention of the change of use and the works already carried out.

Decision

2. The appeal is dismissed.

Main issue

3. The main issue in this appeal is the effect of the development on the character and appearance of the surrounding area.

Reasons

Character and appearance

4. The appeal property lies within a large residential estate and has a prominent location within this part of the estate due to its position next to a curve in the road. Long views towards the house and the former amenity land, now part of the garden, are achieved when looking along Matthews Drive.
 5. The area of land was unfenced as part of the original layout of the estate. I saw that much of the character of the wider estate derives from a good degree of open plan layout, with many front gardens unfenced and pockets of open amenity land. There is some hedging on amenity land close to the footway, but in general these are set forward of fence lines that lie behind.
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6. The enclosure of the area adjoining No. 16 has materially diminished this open character, and the height and extent of fence intrudes upon the area. This adverse impact is particularly noticeable due to the projection of the fencing beyond the clear building line that runs south of No. 16 in line with the front elevation of No. 18. The disruption of this building line harms the spacious and open character of the area.
7. I am informed that the land formerly had vegetation that was causing problems to the house. Whilst the owner of No. 16 could reasonably expect to manage this vegetation to ensure any problems are addressed, I am not persuaded that this must lead to the solution that all the open landscaped area is enclosed into the private garden and fenced in the manner that has been undertaken.
8. Similarly, whilst I have no reason to doubt the amenity area attracted waste, I do not see why the enclosure of the land in the manner undertaken is necessary to address such an issue. As mentioned earlier, I saw many small amenity areas and open plan parts of the estate at my site visit and they all seemed well cared for, maintained, and free of detritus. Hence, on the basis of what I have read and seen, I see little difference between the possible general care of all such similar areas.
9. Policies CH1, CH2, CH3, ENV1 and ENV4 of the Crawley Borough Local Plan 2015-2030 and the Urban Design Supplementary Planning Document 2016 seek to ensure a high quality design in all developments, including green infrastructure and maintaining the pattern of land uses and open spaces and landscape features within neighbourhoods. The development is harmful to this landscape character within the settlement, and hence conflicts with the development plan

Other considerations and conclusion

10. The appellant has drawn my attention to other developments in the wider area. Some of these appear original to the estate, some have not seen the enclosure of open area by fencing and so the open character remains, and for none of them do I know the details as to whether the Council granted planning permission or, if not, may still be considering action. I have determined this current scheme on its own merits in the context of the relevant development plan policies and hence I place little weight on those other cases and my findings on the main issue remain unaltered.
11. I note the appellant's wish to provide a high standard of amenity for his property and family and to provide a safe place, which are objectives set out in the National Planning Policy Framework. However, I must balance this wish against other matters, including that of character and appearance where the policies of the development plan seek good design in the wider public interest.
12. It is my conclusion that the benefits of the change of use and the works do not outweigh the conflict with the development plan on the main issue and the appeal is dismissed accordingly.

C J Leigh

INSPECTOR