



Appeal Decision

Site visit made on 15 February 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2022

Appeal Ref: APP/Q3820/W/21/3279206

48 Holmcroft, Southgate, Crawley RH10 6TW

- 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 Istvan Huczek against the decision of Crawley Borough Council.
 - The application Ref CR/2021/0074/FUL, dated 14 January 2021, was refused by notice dated 4 June 2021.
 - The development proposed is change of use of amenity land to include erection of a fence and storage shed. Single storey side extension and replacement of existing timber side extension lean-to to new extension with addition of new accessible entrance.
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Decision

1. The appeal is dismissed insofar as it relates to the erection of the storage shed. The appeal is allowed insofar as it relates to the change of use of amenity land to residential garden, the erection of a fence, single storey side extension and replacement of existing timber side extension lean-to to new extension with addition of new accessible entrance. Planning permission is granted for change of use of amenity land to residential garden, erection of a fence, single storey side extension and replacement of existing timber side extension lean-to to new extension with addition of new accessible entrance at 48 Holmcroft, Southgate, Crawley, RH10 6TW in accordance with the terms of the application, Ref CR/2021/0074/FUL, dated 14 January 2021, and the plans submitted with it so far as relevant to that part of the development hereby permitted, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted, insofar as it relates to the change of use of amenity land to residential garden, the erection of a fence, single storey side extension and replacement of existing timber side extension lean-to to new extension with addition of new accessible entrance shall be carried out in accordance with the following approved plans: 004 rev 03, 005 rev 02, 006 rev 04 and 007 rev 02.
 - 3) Notwithstanding the details as set out on the application form, the materials and finishes of the external walls and roofs of the extensions hereby permitted shall match in colour and texture those of the existing dwelling.

Preliminary Matters

2. The description of development in the header above is taken from the Council's decision notice and the appeal form. It is different to that on the application

form but the scheme was amended after the application was submitted and prior to its determination.

3. For clarity purposes, I have slightly amended the description of development in my decision so it refers to the change of use of amenity land to residential garden. The appellant and the Council have raised no objections to this revision and I am satisfied it would cause no injustice.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

Change of use of land to residential garden, erection of fence and extensions.

5. The appeal site is in a residential cul-de-sac where the majority of houses face and are set back from the highway. The front gardens and other roadside grassed areas provide a degree of openness to the street scene. However, there is little regularity in the pattern of development and some nearby dwellings are positioned side-on to the road.
6. The appeal property is on the inside of a bend so that its flank wall and the side boundary to its back garden are visible in the street scene. The amenity land referred to in the description of development is a grass verge between the side boundary and the pavement. While this is vacant of buildings, it is quite narrow, adjacent to the existing boundary fence and contains no trees or hedges. As such, the verge makes no significant contribution towards the attractiveness of the locality. The change of use to garden in itself would make no difference to the appearance of the amenity land and so it would maintain the visual qualities of the street.
7. The proposed fence would be more noticeable than the existing as it would be nearer to the pavement. However, it would be of a similar height, length, appearance and position relative to the road compared to fencing at other nearby properties, such as 51, 62 and 63 Holmcroft. It would sit forward of the terrace of houses at 43 to 47 Holmcroft, although in these regards it would be comparable to the fence at 51 Holmcroft and its relationship to the front of the appeal property. In light of the boundary treatments that already exist nearby, the proposed fence would be appropriate to its context.
8. By enclosing the verge, the fence would lead to a loss of openness and it would block views from a short stretch of the pavement towards nearby houses. The Council's Urban Design Supplementary Planning Document 2016 (SPD) states that enclosing amenity land should be resisted. However, in this instance, the verge fails to make a meaningful positive contribution to the qualities of the street scene and so its enclosure would cause no detriment. As such, there is justification to depart from the SPD provisions in these regards.
9. The proposed extensions would be single storey, in keeping with the style and form of the existing dwelling and would not be nearer to the side boundary compared to the house as it stands. The development would slightly increase the footprint of the dwelling and the back garden already includes significant building coverage. However, I am satisfied sufficient open space would remain

so as to avoid overdevelopment of the plot, particularly as the proposal would allow an increase in the size of the back garden.

10. For these reasons, I conclude the change of use of amenity land to residential garden as well as the proposed fence and the extensions to the house would not harm the character and appearance of the area. As such, these elements of the development would accord with policies CH1, CH2, CH3 and ENV4 of the Crawley Borough Local Plan 2015 (LP). Amongst other things, these policies seek development that is sympathetic to its surroundings and which avoids an unacceptable visual impact.

Proposed storage shed

11. Whereas there are nearby examples of boundary fences close to the pavement, sheds and other garden buildings tend to be set back away from the highway or concealed from public views by houses or boundary treatments. A shed already on the appeal site is seen from the road but it is set back and so it is not unduly dominant.
12. The proposed shed would be markedly taller than the proposed fence and so it would be seen from the highway. Also, it would be more conspicuous compared to the existing shed due to its position next to the pavement. Despite being behind the proposed fence, the proposed shed would markedly reduce the spatial and visual openness of an obvious part of the site. Moreover, it would have little architectural interest. Given its size, position and dull appearance, the shed would stand out as a prominent and unsympathetic feature in the street scene.
13. As such, I conclude the proposed storage shed would harm the character and appearance of the area. In these regards, it would not accord with LP policies CH1, CH2, CH3 and ENV4.

Other Matters

14. The site is in the Sussex North Water Supply Zone. A Natural England position statement concludes groundwater extraction in this zone may have an adverse effect on the integrity of the Arun Valley Special Area of Conservation, Arun Valley Special Protection Area and Arun Valley Ramsar Site.
15. Given their scale and nature, it is highly probable that the acceptable elements of the proposal would not increase water usage. Therefore, it is unlikely the development would have significant effects on the integrity of the aforementioned designated sites, either on its own or in combination with other plans/projects. As such, an Appropriate Assessment is not needed.
16. The proposed extensions would include a new accessible entrance as well as a larger area of ground floor accommodation to allow easier use by occupants with mobility difficulties and disabilities. Since there is the potential for my decision to affect the living conditions of persons with a protected characteristic, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. This sets out the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
17. My decision allows the parts of the development which would facilitate use of the house by those with mobility difficulties. There is no suggestion that the

proposed shed would assist in these regards. Therefore, I am satisfied my decision would have no adverse effect on equality of opportunity in terms of the use of the appeal property.

Conditions

18. I have considered the planning conditions suggested by the Council having regard to the tests set out in the National Planning Policy Framework. To ensure the development is carried out in accordance with the submissions, I impose a condition that refers to the appeal drawings. To ensure a satisfactory appearance, a condition is required regarding the external materials of the proposed extensions. However, the suggested condition that requires the fence to be painted green is unnecessary as fences in the locality are of different colours. As such, I have not imposed this condition.

Conclusion

19. For the reasons given, I conclude the appeal should be allowed insofar as it relates to the change of use of amenity land to residential garden, the erection of the fence and the extensions to the house. However, it should be dismissed insofar as it relates to the proposed storage shed.

Jonathan Edwards

INSPECTOR