



Appeal Decision

Site visit made on 7 June 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2022

Appeal Ref: APP/Q3820/W/22/3291094

6 Woodlands, Pound Hill, Crawley RH10 3DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr S Gill against the decision of Crawley Borough Council.
- The application Ref CR/2021/0570/NCC, dated 28 July 2021, was refused by notice dated 29 October 2021.
- The application sought planning permission for the demolition of an existing rear conservatory and single storey extension and erection of a two storey and single storey rear extension, first floor side extension and two storey front extension without complying with a condition attached to planning permission Ref CR/2020/0028/FUL, dated 27 April 2020.
- The condition in dispute is No 3 which states that: 'The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application'.
- The reason given for the conditions is: 'To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030'.

Decision

1. The appeal is dismissed.

Background and Preliminary Matters

2. Planning permission has been granted for the works outlined above, which has since been implemented.
3. The dispute in respect of condition 3 is limited to the materials used in the approved extension. Condition 3 requires that the materials to be used strictly accord with the details associated with the application. The appellant has used materials for the roof tiles and windows which do not accord with those originally approved, namely Marley Modern Smooth Grey roof tiles and Anthracite Grey UPVC windows. Planning Practice Guidance (PPG) sets out that an appeal under Section 73 of the 1990 Act will consider only the disputed condition(s). I have approached the appeal on that basis and there is nothing that I have read or seen to indicate that the proposal is otherwise unacceptable.

Main Issue

4. The main issue is whether adherence with condition 3 is necessary having regard to the character and appearance of the host dwelling and surrounding area.

Reasons

5. The appeal site comprises a two-storey detached dwelling, set back from the road behind a large open front garden. The site is surrounded by residential properties of a similar period but of varying appearance in terms of their roof profiles and window openings, generally of white framed UPVC.
6. Whilst there is some variation in the detailed design of buildings within Woodlands, there is a sense of harmony between properties within the street due to their setting behind open plan gardens and the use of matching, likely original, brown textured roof tiles. Windows throughout the street, although likely to have been of timber construction originally, are now generally of UPVC and are usually white. From my site visit I noted that where extensions have taken place in the past, these clearly used materials to match the original dwelling, whether that be roof tiles, windows or facing materials.
7. From the evidence before me, the appeal property and its older extensions, were previously finished in roof tiles and windows which assimilated to an acceptable standard with the surrounding area. This consisted of white framed windows, brown textured roof tiles and red brick/render to elevations. The recently completed development has introduced dark grey smooth roof tiles and grey windows to the completed extension. Notwithstanding the fact that the appellant has also extended the materials in question over the remainder of the original house, PPG makes clear that I must only consider the disputed condition that is the subject of the appeal, and this is what I will do.
8. Development guidance at Paragraphs 3.5 and 3.9 of the Council's Urban Design Supplementary Planning Document (2016) (SPD) is clear that extensions should relate appropriately to the parent dwelling's character and style, including materials and finishes. I acknowledge that this is not policy, but it is design guidance and exists to ensure appropriate development throughout the borough, based on the Council's understanding of its character. I also note that the SPD makes allowances for some developments to propose the use of contrasting materials and colours based on consideration of the context.
9. The use of dark grey smooth tiles, and similarly coloured windows, stand out amongst the softer and consistent material palette used within the rest of the street. As a result, the development appears overly prominent and incongruous in its setting and ultimately has a detrimental impact upon the character and appearance of the host property and wider street scene.
10. I note the appellant's reference to paragraph 130 of the Framework in that planning decisions should not prevent or discourage appropriate innovation or change. However, as set out above, I do not consider that the development is sympathetic to local character, which is also a requirement of paragraph 130. Moreover, paragraph 135 requires that Council's should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). The change in material is clearly different to that originally approved and I have found harm in that respect, as reasoned above.
11. My attention is drawn to several examples of other properties within the surrounding area which feature grey windows and/or tiles. I have no evidence before me to confirm if these alterations have the benefit of planning

permission, or indeed whether they required it. Nevertheless, although some occasional examples do exist, I do not consider that they form the dominant feature of the surrounding area.

12. The evidence refers to a potential fallback option in the form of works being undertaken under permitted development (PD) rights. The appellant notes that the replacement of windows or roof tiles of a different colour does not require planning permission. I have seen no evidence to convince me that the appellant could reasonably implement a similarly harmful scheme under their PD rights. As such, I give this fallback option minimal weight.
13. Consequently, I conclude that the amendments have an unacceptable impact on the character and appearance of the host property and surrounding area, and adherence to condition 3 is required in order to safeguard the character and appearance of the area. The amendments are contrary to the relevant provisions of Policy CH3 of the Crawley Borough Local Plan (2015) and the SPD. These policies, in summary, seek to ensure that development proposals are based on a thorough understanding of the site and wider context, be of high quality, relating sympathetically to their surroundings and incorporate materials and colours that match the existing dwelling. This is consistent with the National Planning Policy Framework insofar as good design is concerned.

Other Matters

14. The appellant contends that the proposed changes are *de minimis*. The reasoning above sets out why I do not consider this to be the case. I accept that the appeal site is neither listed nor located within a conservation area and do not disagree with comments in respect of the rear elevation being largely out of sight. However, these matters do not outweigh the harm I have identified above.
15. I appreciate that the appellant has experienced some difficulty in sourcing tiles to match the original property, however I have no evidence before me that another type of, less harmful, material could not have been sourced.
16. Condition 3 also applies to the remainder of the development now implemented, including the facing materials. These materials, consisting of brick and render, appear to match the original property. Although it is important that these elements have been implemented in accordance with Condition 3, to match the original property and to ensure that the remodelling of the property would integrate appropriately with its surroundings, this does not outweigh the harm I have identified above in respect of the tiles and windows.

Conclusion

17. For the reasons above, having had regard to the development plan as a whole and to all other relevant material considerations, nothing outweighs the conclusions I have reached. Therefore, I conclude that the appeal should be dismissed.

A Price

INSPECTOR