



Appeal Decision

Site visit made on 28 June 2022

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 15th August 2022

Appeal Ref: APP/D3830/W/21/3284451

Twoways, Station Road, Crawley Down RH10 4JE

- 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 Jamie Copland of Arete Homes (Crawley Down) Ltd against the decision of Mid Sussex District Council.
 - The application Ref DM/20/4654, dated 2 December 2020, was refused by notice dated 20 April 2021.
 - The development proposed is "Demolition of the existing semi-detached bungalow and the erection of 3no. four bedroom detached house with associate garages".
-

Decision

1. The appeal is allowed, and planning permission is granted for "Demolition of the existing semi-detached bungalow and the erection of 3no. four bedroom detached house with associate garages" at Twoways, Station Road, Crawley Down RH10 4JE in accordance with the terms of the application, Ref DN/20/4654, dated 2 December 2020, subject to the conditions set out in Schedule A at the end of this Decision.

Application for costs

2. An application for costs was made by Mr Jamie Copland of Arete Homes (Crawley Down) Ltd against Mid Sussex District Council. This application is the subject of a separate Decision.

Main issues

3. The main issues are the effect that the proposed development would have on:
 - the character and appearance of the surrounding area, and
 - the integrity of the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

Reasons

Character and appearance

4. The irregular shaped appeal site is situated on the east side of Station Road, close to its junction with Vicarage Road. The existing bungalow would make way for the proposal, which includes 3 houses of 2 designs reached from Station Road. Plot 1 on the north part of the site would adjoin generous verges in Station and Vicarage Roads and Hophurst Drive to roughly west and north respectively, and the tree lined footpath through the wide grassed link between Hophurst Drive and Bowers Place, with the health centre beyond, to roughly

- east. The 2 dwellings of the same type, on Plots 2 and 3 in the south part of the site, would be set back a little further from Station Road and would back onto the link. Plot 3 would adjoin the grounds of Quintops to roughly south.
5. The local landform slopes gently down from roughly north west to south east. There is a school beyond the health centre to roughly east and green space roughly south of that, but the development in the surrounding area is mainly residential. Whilst the development is more ordered in its form and pattern around the green on the east side of Station Road further south, the nearby development in the north part of Station Road varies in its scale and type, and its siting is sporadic. Although the site is shallower than the plots of some nearby dwellings, it is wider than most.
 6. Because the dwellings opposite to roughly west at The Belfry, Derwerden and Pinewood are reached from Vicarage Road, and Quintops and Mayflower House to roughly south are reached from Bowers Place, their backs contribute little to the street scene in Station Road and to the sense of place. By facing Station Road, the proposed dwellings would enhance the street scene by providing important continuity with the dwellings further south that face Station Road.
 7. As Plot 1 would be as wide or wider than those of most nearby dwellings in Station Road, and as it would be at the end of the row on the east side of the street, the narrower width of Plots 2 and 3 would be successfully integrated into the street scene. Because the detached 2 storey and 2 storey plus attic dwellings would be well separated from one another by their garages, the spaciousness that can be appreciated between the nearby dwellings above their tall boundary treatment would be sustained. Moreover, the line of trees by the health centre would still be seen as a sylvan backdrop to the development in nearby views from Vicarage and Station Roads. So, although the plots would not be as deep as some others close by, the proposal would respect the local spacious and leafy character that is important to the sense of place.
 8. As all the dwellings would be set back from the back edge of the pavement in Station Road, there would be ample room for front gardens and private back/side gardens, and as the footprints of the dwellings would be relatively compact, the sizes of Plots 1, 2 and 3 would be proportionate to the scale of the dwellings. Criterion d of Crawley Down Neighbourhood Plan 2014-2031 (NP) Policy CDNP5 does not seek a comparison to be made with the proportions of the dwellings on adjacent plots. However, because the proposal would be in keeping with the local character including the sporadic pattern of development, it would harmonise with the Station Road street scene, and it would respect the sense of place.
 9. Therefore, I consider that the proposal would not harm the character and appearance of the surrounding area. It would satisfy NP Policy CDNP5 which aims to permit residential development subject to several criteria, including that the individual plot sizes are proportionate to the scale of the dwelling, and the National Planning Policy Framework (Framework) which seeks well-designed places.

SPA and SAC

10. The site falls within the 7 km zone of influence of the SPA and SAC. In determining this appeal, I am the competent authority for the purposes of the

Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations).

11. The proposed development would increase the number of people living near the SPA. So, this proposal, in combination with other plans and projects, would be likely to have a significant effect on the SPA due to increased recreational disturbance. Because the proposal is not directly connected with or necessary for the management of the SPA, it is necessary for me to undertake an appropriate assessment of the implications of the proposal for the SPA in view of its conservation objectives. I can only grant planning permission if I ascertain in that appropriate assessment that the integrity of the SPA would not be adversely affected.
12. To address recreational disturbance, the Council has adopted a mitigation approach including Suitable Alternative Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) in line with Policy 17 of the Mid Sussex District Plan 2014-2031 (LP), which has been found acceptable by Natural England.
13. The appellant has submitted a completed planning obligation that secures appropriate financial contributions for SANG and SAMM for the 2 additional dwellings. The obligation for financial contributions to SANG and SAMM would be necessary to reduce recreational pressure on the SPA in accordance with LP Policy DP17, so it would be necessary to make the proposal acceptable in planning terms. Because the financial contributions have been calculated on the basis of the number of bedrooms in the 2 additional houses, they are directly related to the development, and as the financial contributions have been calculated in accordance with the Council's published tariff, they are fairly and reasonably related to the development. As the completed obligation satisfies all 3 tests in The Community Infrastructure Levy Regulations 2010 (as amended), I shall take it into account.
14. Turning to atmospheric pollution, increased traffic emissions resulting from new development may cause atmospheric pollution that would affect the SAC. However, because the proposal would amount to windfall development, in accordance with the modelling in the Mid Sussex Transport Study, there would not be a significant in combination effect on the SAC by the proposed development. So, mitigation would not be required.
15. Pursuant to Regulation 63(3) of the Habitats Regulations 2017, I have consulted the relevant nature conservation body, Natural England, and it has confirmed that subject to mitigation for the SPA being secured, it is content that the contributions are sufficient to avoid an adverse impact on the integrity of the European Site and its relevant features. The planning obligation would provide the necessary mitigation.
16. Thus, I am able to make as an appropriate assessment so as to be satisfied to the appropriate level of certainty that the proposal with mitigations secured will not adversely affect the integrity of the SPA.
17. Therefore, I consider that the proposal would not be likely to have a significant adverse effect on the integrity of the SPA and the SAC. It would satisfy LP Policy 17 which requires appropriate mitigations for the effects of development on the SPA, the Habitats Regulations, and the Framework which aims to conserve and enhance the natural environment.

Other Matters

18. Concerns raised by interested parties include, amongst other things, highway safety and infrastructure, including capacity at the health centre and local school, but little technical evidence has been put to me to support their views. Having made its visit, and subject to the imposition of conditions if the proposal were to be otherwise acceptable, the highway authority has not raised concerns. I see no reason to disagree. Moreover, the Council has confirmed that, due to the scale of the proposal, infrastructure contributions would not be sought by its present supplementary planning document.
19. So, as the proposal would be acceptable, planning permission should be granted subject to suitable planning conditions.

Conditions

20. The Council's suggested conditions have been considered, re-worded and some have been combined in the light of Framework paragraph 56 and Planning Practice Guidance.
21. In addition to the standard commencement condition, the condition identifying the approved plans is necessary for certainty. The conditions to control external materials, tree protection, hard and soft landscaping including boundary treatment, and the refuse and recyclables enclosures are reasonable and necessary to protect the character and appearance of the area. As materials used below finished ground level may differ and would not be seen, it is not necessary for the external materials to be subject to a pre-commencement condition. The conditions for the construction method statement, the accesses, and the parking spaces are necessary in the interests of highway safety. The conditions for the construction method statement and to control the hours of demolition and construction and deliveries to and despatches from the site are reasonable and necessary to protect the living conditions of nearby occupiers and the wellbeing of users of the health centre.
22. The condition for the foul and surface water drainage schemes is necessary in the interests of public health and to avoid flooding. As works near public drains and sewers can be dealt with in those schemes, a separate condition to control them is not necessary, so it has not been imposed. The condition for obscure glazing in the side-facing first floor windows in the House type A dwellings is reasonable to protect the privacy of the adjoining occupiers. The conditions for cycle parking and electric vehicle charging spaces are necessary to promote the use of sustainable transport modes. The condition to ensure that the sustainability measures are implemented is reasonable and necessary to make efficient use of resources in the interests of sustainable development.
23. Because the nearby trees could be adversely affected by initial works above and below ground, because the construction method statement is necessary for highway safety from the start, and because the foul and surface water drainage schemes involve initial works below ground, these need to be pre-commencement conditions.

Conclusion

24. I have found that the proposed development would satisfy the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not indicate a determination otherwise.

25. For the reasons given, the appeal should be allowed.

J Reid

INSPECTOR

Schedule A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans numbered: 801/1000/P02, PL-100A, PL-101A2, PL102A2, PL-103A2, PL-104 and PL-105A2.
- 3) No development, demolition or site clearance shall take place until the tree protection measures shown on County Tree Surgeons Limited plan number CTS-0NN9-TTP-01 have been implemented in accordance with the County Tree Surgeons Limited Arboricultural Impact Assessment ref CTS-0NN9-AIA-01 dated December 2020 (AIA). Development shall be carried out in accordance with the AIA throughout the construction phase.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors,
 - ii) loading and unloading of plant and materials including waste,
 - iii) storage of plant and materials used in constructing the development,
 - iv) the erection and maintenance of security hoarding,
 - v) wheel washing facilities and other works to mitigate the impact of construction upon the public highway,
 - vi) measures to control noise and the emission of dust and dirt during construction.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) No development shall take place until details of the foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development shall be in accordance with the approved details.
- 6) Demolition and construction works and deliveries and collection of plant, equipment and materials to be used during the demolition and construction phases shall take place only between 0800 hours and 1800

hours on Mondays to Fridays and between 0900 hours and 1300 hours on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

- 7) No development above finished ground level shall commence until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.
- 8) No dwelling shall be first occupied until details of the hard and soft landscaping works including details of boundary treatment and the replacement trees for the trees to be removed have been submitted to and approved in writing by the local planning authority. The hard and soft landscaping works shall be carried out in accordance with the approved details before any dwelling hereby approved is first occupied or in accordance with a programme previously approved in writing by the local planning authority.
- 9) No dwelling shall be first occupied until the vehicle accesses serving the development have been constructed in accordance with the details shown on plan number PL-100A.
- 10) No dwelling shall be first occupied until space has been laid out within the site in accordance with plan number PL-100A for cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 11) No dwelling shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved in writing by the local planning authority, and the cycle parking spaces shall be retained as approved thereafter.
- 12) No dwelling shall be first occupied until the electric vehicle charging space/s have been provided in accordance with plans and details to be submitted to and approved in writing by the local planning authority, and the electric vehicle charging space/s shall be retained as approved thereafter.
- 13) No dwelling shall be first occupied until refuse and recyclables enclosures have been provided in accordance with plans and details to be submitted to and approved in writing by the local planning authority, and the refuse and recyclables enclosures shall be retained as approved thereafter.
- 14) No House type A dwelling shall be first occupied until the first floor bathroom and staircase/landing windows have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room/landing in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed as approved the obscured glazing shall be retained thereafter.
- 15) No dwelling shall be first occupied until the sustainability measures set out in the Low Carbon Box Sustainability Statement ref 20175 Revision A dated 18 December 2020 have been implemented.

End of Schedule A