



Appeal Decision

Site visit made on 11 October 2022

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

an Inspector appointed by the Secretary of State

Decision date: 17 October 2022

Appeal Ref: APP/Q3820/W/21/3286222

20 Highwood Park, Broadfield, Crawley RH11 9PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr and Mrs A Yushchenko against Crawley Borough Council.
 - The application Ref CR/2021/0518/FUL, is dated 9 July 2021.
 - The development proposed is "Proposed front extension. Merging of 'lawful' rear and side extensions".
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Decision

1. The appeal is allowed and planning permission is granted for "Proposed front extension. Merging of 'lawful' rear and side extensions" at 20 Highwood Park, Broadfield, Crawley RH11 9PP in accordance with the terms of the application, Ref CR/2021/0518/FUL, dated 9 July 2021, subject to the following conditions:
 - 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: 388/01A, 388/02 and 388/03.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reasons

2. Having had regard to the Council's concerns, the main issue is the effect that the proposed development would have on the living conditions of the occupiers of 19 Highwood Park regarding daylight and sunlight, and outlook.
3. The mid terraced appeal dwelling is situated towards one end of Highwood Park within a mainly residential area. The dwellings on each side have a stepped relationship with the appeal dwelling. The dwelling at 21 is partly stepped back from the appeal dwelling, and the appeal dwelling is partly stepped back from the dwelling at 19. The conservatory at the back of 19 is close to its common boundary with the site and its back wall broadly lines up with the back of the appeal dwelling's garage. The backs of these 3 dwellings face roughly north west. The local landform slopes down to roughly north.
4. At the back, the proposed flat roofed extension would be close to and taller than the present boundary treatment by the common boundary with 19. The extension would project beyond the back of the conservatory at 19, and due to the orientation and relationships between these adjoining dwellings, the

extension would overshadow a little more of the back garden close to the dwelling at 19 than the boundary treatment for parts of some days. However, it would not cause an unacceptable loss of sunlight or daylight in the rooms at the back of the dwelling at 19 or in its back garden. Although the extension would be taller than the boundary treatment, it would not be so overbearing or so oppressive, that it would unacceptably harm the outlook from rooms in the back of the dwelling at 19 or its back garden.

5. The Crawley Borough Council Urban Design Supplementary Planning Document (SPD) advises that a single storey extension should not encroach into an area measured by drawing a 45° angle from the nearest edge of a neighbour's window or door aperture. Due to its depth, the proposal would be contrary to this guidance. However, the Council stated on 16 August 2021, ref CR/2021/0522/HPA, that prior approval is not required for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.71m and have a maximum height of 3m and an eaves height of 3m (PNR), which would include a narrower but similarly tall and deep extension similarly close to the common boundary with 19. If the appeal were to be dismissed, due to the benefit of the additional space that the PNR would provide, it is more than likely that it would be built.
6. The Council has not raised concerns about the living conditions of the occupiers of 21, and I agree. The Council has also explained why it considers the front extension to be acceptable. Because it would also comply with the guidance in the SPD, which states that front extensions should be subservient to the rest of the house and should not extend across the whole width of the property, and that they should project no more than 1.5m from the original front wall of the main dwelling and be in keeping with the character of the area, I agree.
7. Thus, I consider that the proposal would not harm the living conditions of the occupiers of 19 Highwood Park regarding sunlight and daylight, and outlook. The proposal would conflict with part of the SPD, but it would otherwise comply with its guidance. It would satisfy Policy CH3 of the Crawley Borough Local Plan 2015-2030 which seeks a good standard of amenity for all existing and future occupants, and the National Planning Policy Framework (Framework) which seeks a high standard of amenity for existing and future users.
8. The Council's suggested conditions have been considered and reworded as necessary in the light of Framework paragraph 56 and Planning Practice Guidance. In addition to the standard implementation condition, the condition identifying the approved plans is necessary for certainty. The condition to control the external materials is reasonable and necessary to protect the character and appearance of the area.

Conclusion

9. 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.
10. For the reasons given, the appeal should be allowed.

J Reid

INSPECTOR