



Appeal Decision

Site visit made on 22 November 2022

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

an Inspector appointed by the Secretary of State

Decision date: 25 November 2022

Appeal Ref: APP/Q3820/W/22/3298398

Belgrave House, Station Way, Crawley, RH10 1HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 20, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Colmer 1 LTD against the decision of Crawley Borough Council.
 - The application Ref CR/2022/0077/CND, dated 9 February 2022, was refused by notice dated 6 April 2022.
 - The development proposed is "The construction of a two storey extension on top of an existing four storey building to provide 11 new dwellings".
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Decision

1. The appeal is dismissed.

Preliminary matter and main issue

2. Under GPDO Article 3(1) and Schedule 2, Part 20, Class AA, planning permission is granted for up to 2 storeys of new dwellinghouses on detached buildings in commercial or mixed uses subject to conditions and limitations including the requirement to submit an application to the Council for prior approval. The Council is content that the proposal would satisfy all matters other than that relating to the external appearance of the appeal building, and I see no reason to disagree.
3. The main issue is the effect that the proposed development would have on the character and appearance of the appeal building.

Reasons

4. The appeal building is situated on the roughly north side of the fairly busy partly dual carriageway Station Way within the town centre, between a mainly 2 storey office building to roughly west and The Pinnacle, which is a 5 storey building beyond the footpath to roughly east. The mainly 4 storey Galleria building, and the Friary church and its associated buildings beyond the footpath, are at the back of the site. On the opposite side of the road is a car park related to the railway station, which lies roughly east.
5. The appeal building is mainly characterised by alternating horizontal bands of brickwork and glazing, which reflect its upper floors, and its gently articulated plan form, which steps a little closer to the road as the site deepens towards the west. The broadly T-plan appeal building is set back from the road, with its long front and principal elevation facing the road and the short projection at the back. The building is well-spaced from its side and back boundaries, and its

east facing side faces the public right of way between Station Way and Haslett Avenue West.

6. Permission has been granted for development that would include ground floor infill with a similar footprint to the appeal building's first and second floors, and the replacement of some upper floor windows with panels. The existing top (third) floor has a similar appearance to the first and second floors, but it is set well in from the back and sides of the lower floors, and it is set back a little from the deeper parts of the building at the front. So, whilst its appearance is consistent with the 2 floors below, the top floor is subservient to the rest of the building, and so, it is in keeping with the appeal building's overall composition.
7. The proposed extension would include a lower (fourth) floor barely inset from the existing top floor, and an upper (fifth) floor, which would be set in a little from the east and west sides of the proposed floor below it. So, the top 3 floors of the extended building would be much narrower and shallower than the lower floors, and the top floor would be even narrower.
8. Because the proposal would reflect much of the appearance of the existing building in a significantly narrower and shallower built form than most of the existing building, and its east part would broadly align with the front face of the existing building, the proposal would be unacceptably prominent and damaging to the appeal building's harmonious proportions and balanced composition. Because the proposal would also project well above the wider parts of the lower floors, the vertical emphasis in the upper 3 floors of the extended building would harmfully detract from the linear form and features that are important to the character and appearance of the appeal building. So, the proposal would be incongruous, and especially so in the longer views in both directions along the nearby part of Station Way.
9. Moreover, because the proposal would only be about as deep as the existing top floor on the foremost part of the existing building, and its prominent form would draw attention to its inharmonious siting, the extended building would look lop-sided and unbalanced in views from the public right of way, and in westward views across the land in front of The Pinnacle, despite the partial screening effect of the intervening trees, whether or not they are in leaf.
10. As The Galleria includes diminishing upper floors that are similarly set back from all of its sides, its integrated design differs from the discordant proposal before me. Moreover, the massing of the taller and wider development proposed for the site on the opposite side of Station Way would not overcome the harm that the proposal would cause to the appeal building. Whilst I have had regard to my colleague's appeal decision ref APP/T1410/W/20/3263486, the appellant accepts that decision makers are open to make their own planning judgments, so I have dealt with the proposal on its merits and in accordance with its site specific circumstances and relevant national policy.
11. Therefore, I consider that the proposed development would harm the character and appearance of the appeal building. It would be contrary to the National Planning Policy Framework which seeks the creation of high quality, beautiful and sustainable buildings and places.
12. Thus, the proposed development would not be acceptable in respect of paragraph AA.2 (1) (e) of GPDO Schedule 2, Part 20, Class AA.

Other matter

13. The site is within the Sussex North Water Supply Zone. In determining this appeal, I am the competent authority for the purposes of the Conservation of Species and Habitats Regulations 2017 (as amended).
14. Natural England has advised that the Sussex North Water Supply Zone includes supplies of groundwater abstraction which cannot, with certainty, conclude no adverse effect on the integrity of the Arun Valley Special Protection Area, the Arun Valley Special Area of Conservation and the Arun Valley Ramsar site (the Arun Valley Site). As it cannot be concluded that the existing abstraction within the Sussex North Water Supply Zone is not having an impact on the Arun Valley site, developments within this zone must not add to this impact. One way of dealing with this is water neutrality, that is, the use of water in the supply area is the same or lower after the development has taken place. A strategic approach is being developed to deal with water neutrality.
15. Because the proposal is not directly connected with or necessary for the management of the Arun Valley site, it would be necessary for me to undertake an appropriate assessment of the implications of the proposal for the Arun Valley site in view of its conservation objectives. I could only grant prior approval if I were to ascertain in that appropriate assessment that the integrity of the Arun Valley site would not be adversely affected. However, as the proposal would not be acceptable for other reasons, it is not necessary for me to undertake an appropriate assessment, and so I have not pursued the matter, including the appellant's suggested condition, further with the parties.

Conclusion

16. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR