



Appeal Decision

Site visit made on 19 June 2023

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

an Inspector appointed by the Secretary of State

Decision date: 26 June 2023

Appeal Ref: APP/Q3820/D/23/3320067

3 Hawkins Road, Tilgate, Crawley, West Sussex RH10 5NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Nasir Ahmed and Mrs Sadedda Ahmed against the decision of Crawley Borough Council.
 - The application Ref CR/2023/0121/HPA, dated 22 February 2023, was refused by notice dated 6 April 2023.
 - The development proposed is Demolition of existing conservatory and erection of single storey rear extension.
-

Decision

1. The appeal is dismissed.

Procedural matter and main issue

2. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.
3. The main issue is the effect that the proposed development would have on the living conditions of the occupiers of 1 Hawkins Road, regarding outlook.

Reasons

4. The semidetached appeal dwelling is situated in a mainly residential street. At the back of the dwellings, some of which include modest extensions, the back gardens are mainly defined by low-key timber fences. The resulting openness in most back gardens is important to the local suburban character. Regardless of their depth, the areas closest to the backs of dwellings are often the most frequently used, especially so when they face roughly south west, as in this case.
5. The appeal dwelling includes a single storey side extension, and an almost full width conservatory at the back of the original dwelling. The back garden is broadly level and similar in level to the neighbouring back gardens at 1 and 5 Hawkins Road to roughly south east and roughly north west respectively, and at 53 and 55 Tilgate Way to roughly south west. The appeal dwelling's back garden is largely bounded by roughly 1.8 m tall boundary treatment.

6. The proposed flat roofed single storey rear extension would be nearly as wide as the original dwelling, a little over double the depth of the existing conservatory, and its flat roof would be about as tall as the tallest part of the conservatory's pitched roof. It would also be close to the common boundary between the attached pair of semidetached dwellings at 1 and 3 Hawkins Road.
7. The dwelling at 1 Hawkins Road includes a ground floor habitable room with a wide door height glazed opening near the common boundary with the site and a good-sized patio by the back of that dwelling. Its back garden includes boundary treatment similar to that at the site, an outbuilding near the roughly south corner of the dwelling, and a garage towards the far end of the back garden, which is reached from Drake Road.
8. Due to its scale and orientation, the extension would not cause a harmful loss of daylight or sunlight in the dwelling or its back garden at 1 Hawkins Road. However, because of its height, depth, bulk and siting, the extension would have an unacceptably overbearing and oppressive impact on the outlook from the back of the dwelling at 1 Hawkins Road and in its back garden close by.
9. Because of the orientation and relationships of the other nearby dwellings, including 53 and 55 Tilgate Way and 5 Hawkins Road, with the proposed extension, the living conditions of their occupiers would be acceptable. Even so, this would not outweigh the harm that the proposal would cause to the outlook of the occupiers of 1 Hawkins Road.
10. Therefore, I consider that the proposed development would harm the living conditions of the occupiers of 1 Hawkins Road, regarding outlook. It would also be contrary to Policy CH3 of the Crawley Borough Local Plan 2015-2030 which aims to provide or retain a good standard of amenity for all existing and future occupants of land and buildings, the thrust of the guidance in the Crawley Borough Council Urban Design Supplementary Planning Document, and the National Planning Policy Framework which seeks a high standard of amenity for existing and future users.

Conclusion

11. In reaching my conclusion I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The appeal is made for the development of part of the site for a disabled person, who is a person who shares a protected characteristic for the purposes of the PSED.
12. It does not follow from the PSED that the appeal should succeed. I appreciate from the evidence put to me that the extension is necessary to provide a ground floor bedroom and accessible facilities for that disabled person. Whilst the proposed development would significantly improve the quality of life of that person and would enable them to live independently, I am satisfied that the legitimate policy aim, to protect the living conditions of the occupiers of 1 Hawkins Road, regarding outlook, can only be safeguarded by a refusal of prior approval. I shall therefore dismiss the appeal.

J Reid INSPECTOR