



Appeal Decisions

Site visit made on 15 August 2023

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal A Ref: APP/D3830/W/22/3312248

Crawley Down Village Hall, Turners Hill Road, Crawley Down, West Sussex RH10 4HE

- 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 Justin Pitman of Abode Homes against the decision of Mid Sussex District Council.
 - The application Ref DM/22/1130, dated 1 April 2022, was refused by notice dated 27 July 2022.
 - The development proposed is conversion and extension of the existing village hall into 6 no. new residential dwellings with associated landscaping and bin and bike stores.
-

Appeal B Ref: APP/D3830/W/23/3316310

Crawley Down Village Hall, Turners Hill Road, Crawley Down, West Sussex RH10 4HE

- 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 Justin Pitman of Abode Homes against the decision of Mid Sussex District Council.
 - The application Ref DM/22/2936, dated 23 September 2022, was refused by notice dated 5 December 2022.
 - The development proposed is conversion and extension of the existing village hall into 6 no. new residential dwellings with associated landscaping and bin and bike stores.
-

Decision

1. Appeal A and Appeal B are both dismissed.

Applications for costs

2. Applications for costs were made by Mid Sussex District Council against Mr Justin Pitman of Abode Homes. These applications are the subject of separate decisions.

Main Issues

3. The main issues for both Appeal A and Appeal B are:
 - Whether the proposal makes adequate provision for any additional need for infrastructure arising from the development.
 - The effect on the living conditions of nearby occupiers with particular regard to privacy and whether the development is overbearing.
 - The quality of living conditions for future occupiers with particular regard to outlook, privacy, noise and disturbance and car parking.

Reasons

Infrastructure

Appeal A and B

1. The proposed developments would result in an increased population in the District and a related increase in demand for services and infrastructure. The Developer infrastructure and Contributions Supplementary Planning Document (2018) along with the correspondence and written CIL Justification by West Sussex County Council (WSCC) explain the need for education, libraries, highways, sport and play space and community infrastructure and building provision that would be generated as a result of these developments. These also set out how the amounts requested by the LPA have been calculated on the basis of the size of the scheme, and in all but one case, the amounts are fairly related in scale and kind to the development proposed.
2. The amounts for education set out in the planning officers report for Appeal B are much higher than the amount for Appeal A. These were calculated on different occupancy levels. However, the size of the development remains the same in both appeals. Therefore, although the developments would result in a requirement for additional education provision, I am not provided with evidence that satisfies me that increased amounts sought for Appeal B would be fairly related in scale and kind.
3. The Planning Inspectorate's Procedural Guide is clear that a copy of the certified planning obligation should be received within 7 weeks of the start date. The main parties have been given further opportunity to submit a completed obligation after this date in this case. I have received draft S106 agreements for both Appeal A and Appeal B. However, these have not been signed and dated. Consequently, the draft S106 agreements are incomplete and therefore do not carry any weight.
4. Therefore, I have no mechanism to secure any contributions or any other mitigation towards the effects on these services and infrastructure. Consequently, as a result of the development proposed, there would be a harmful effect on the provision of these facilities.
5. Therefore, neither Appeal A nor Appeal B would make adequate provision for any additional need for infrastructure arising from the development. As such they would be contrary to policy DP20 of the Mid Sussex District Plan 2014-2031 (2018) (MSDP), and policy CDNP01 of the Crawley Down Neighbourhood Plan 2014-2031 (2016) (NP) which provide detail as to how mitigation and infrastructure provision for development should be provided.

Living conditions of nearby occupiers

Appeal A

6. Adjoining the appeal site is the new development at Russell Place. Within this development, a row of properties front Turners Hill Road and another row is located towards the rear of the site. They are designed as terraces with windows to the front and back and their main private amenity spaces to the rear. There is a shared car parking and access area which separates the terraces.

7. Windows and glazed patio doors would be provided to the proposed dwellings on the single storey part of the northern elevation. There would be private amenity spaces along this boundary close to the front of the nearest property on Russell Place. The ground levels differ between the site and Russell Place and the higher floor level means that views to and from the existing ground floor windows would be possible above the boundary fence and consequently would also be likely to be possible to and from the raised timber deck. Therefore, these outdoor amenity areas would create views in close proximity to and from the windows on the Russell Place properties. As such, this would be harmful to the privacy of the neighbouring occupiers in this regard.
8. Unit 5 would also have a window which would face towards this boundary. Occupiers are likely to look out of this window and this remains the case even though an alternative window to the southern elevation is proposed and it serves a bedroom. Due to the ground levels, views towards and from the garden of the neighbouring property at Russell Place would be possible, although due to the angle, views into or from the dwelling would be unlikely. Nevertheless, this window would be in very close proximity with direct views to and from this garden, and therefore would result in overlooking to a greater degree than exists, significantly harmful to the living conditions of the neighbouring occupiers.

Appeal B

9. The windows, patio doors and private amenity spaces along the single storey part of the northern elevation have been omitted from Appeal B. Therefore, there would be no harm to privacy in this regard from Appeal B.

Appeal A and B

10. The adjoining property at Applecote has windows facing towards the appeal site. I understand that one of these is a first floor bedroom window. Rooflights are proposed to the southern roofslope of the Village Hall which would be facing towards this elevation across the pedestrian access path. Four of these rooflights would serve stairwells, two would serve the kitchen of unit 2. The cills of these windows would be 1.8m above ground floor level, would not be directly opposite the window, and would be angled in line with the roof. The Council has also suggested a condition that these windows should be obscure glazed and this has been accepted by the Appellant. For these reasons there would be neither a perceived or actual loss of privacy to or from Applecote.
11. Dormer windows are proposed to the northern roofslope of the appeal property. In Appeal A there are a total of 5 dormer windows, 3 with a pitched roof feature. In Appeal B these have been reduced to 3 flat roof dormers and 2 rooflights. In both of these arrangements the windows are located some distance from the Russell Place properties. Furthermore, any views towards these properties would be at an angle and would not be direct. As such this would not result in harmful mutual overlooking. Views towards the garden spaces of the front terrace would be possible, however these areas are already overlooked in closer proximity from the windows on the adjoining properties, therefore there would not be a significant change to the privacy to these gardens as a result of the proposed development. Therefore there would not be a harmful loss of privacy to the occupiers of these dwellings.

12. The additions at first floor level are limited to a few dormers and rooflights. As such, and for the reasons set out above, these proposed alterations would not be overbearing.
13. Therefore, Appeal A would have a harmful effect on the living conditions of nearby occupiers with particular regard to privacy. As such, it would be contrary to Policy DP26 of the MSDP and Policies CDNP04.2 and CDNP05 of the NP which requires that development must not cause significant harm to the amenities of existing nearby residents, taking into account privacy, amongst other things.
14. However, Appeal B would not have a harmful effect on the living conditions of nearby occupiers with particular regard to privacy and whether the development would be overbearing. As such it would be in accordance with Policy DP26 of the MSDP and Policies CDNP04.2 and CDNP05 of the NP, the aims of which are set out above.

Living Conditions of future occupiers

Appeal A and Appeal B

Privacy

15. The matter of mutual overlooking is considered above. For the reasons above I do not find harm in this regard to the proposed occupiers in Appeal B, but find significant harm with regard to Appeal A.

Outlook

16. The occupiers of unit 5 would have their main outlook towards a patio of limited depth. Beyond this would be a passage and a bike store with the gardens of the adjoining properties beyond. Although the patio is narrow, this would be a private amenity space which could be personalised and softened with planting. Furthermore, above the site boundary views are open. Consequently, the outlook to this property would be acceptable. This would be the case for both Appeal A and B, even though in the Appeal A scheme unit 5 would have additional outlook to the north.
17. The occupiers of unit 6 would also have their outlook towards this side passage, however due to the orientation and layout of their private amenity space the outlook would be more generous from each window. It follows that I also find the outlook from this property to be acceptable.

Car Parking

18. The proposed development is likely to generate a need for 8 car parking spaces. The appeal scheme includes two on site unallocated spaces and proposes that the remainder of the parking requirement is accommodated on street.
19. The submitted parking survey found that on a single night there were 56 car parking spaces available, including 13 spaces within laybys within easy walking distance of the proposed development. Although parking on site would be likely to be preferable, the amount and proximity of the on street parking available means that occupiers would be very likely to find a suitable space nearby. As such any neighbour dispute in this regard would be unlikely. Therefore the proposed parking provision would not result in unacceptable living conditions.

Noise and disturbance

20. Access to the 6 proposed units and Appelcote would be along a passage to the side of the building. Unit 4 would have one window serving their living area facing this passage, which would be passed by the occupiers of units 5 and 6 and those accessing the bike store. The window would have a generous area of planting providing separation and whilst the planting itself cannot be relied upon in perpetuity, the separation distance could be. Unit 5 would have its main windows to this elevation. It would be separated by boundary treatment, which is shown to be a low level fence which would not prevent views. However, there is potential for occupiers to provide further screening, such as planting, within this area. Unit 6 is at the end of the terrace and therefore occupiers would not need to pass in close proximity to the windows or garden.
21. In any case, the number of people and frequency of passing would be limited. As such the infrequency and distance of views, combined with the mitigating factors set out above, would be such that this would not be unacceptably harmful to future occupiers.

Summary

22. Therefore, Appeal A would result in an unacceptable quality of living conditions for future occupiers with particular regard to privacy. As such, it would be contrary to Policy DP26 of the MSDP which requires that development must not cause significant harm to the amenities of future occupants, taking into account privacy, amongst other things.
23. However, Appeal B would result in an acceptable quality of living conditions for future occupiers with particular regard to outlook, privacy, noise and disturbance and car parking. As such it would be in accordance with Policy DP26 of the MSDP the aims of which are set out above.

Other Matters

Appeal A and B

24. The proposed developments would provide the social and economic benefits associated with the provision of 6 new smaller dwellings, for which there is a need in this area. These would be on brownfield land. However, given the size of the development these benefits are modest in their scale.
25. The proposed developments would also retain and convert the existing building, which would result in less CO2 emissions than a demolition and rebuild and would retain its traditional features. However, it has been demonstrated in Appeal B that a conversion of the existing building can be achieved without the harm to privacy identified in Appeal A. Furthermore, the lack of infrastructure provision can also be addressed without the need to demolish and rebuild the building. As such, given a less harmful scheme could be delivered that would also provide these benefits, I afford limited weight to this as a benefit.
26. A new village hall has been approved on Hophurst Lane, however I have no evidence that the proposed development is required to facilitate the new village hall and the Council states that this is separate from the current proposal. As such this does not weigh in favour of the proposed developments. Therefore, overall, the proposed developments would result in modest benefits.

Appeal B

27. Consequently, these modest benefits would not outweigh the unacceptable harm to infrastructure and facilities identified above.

Appeal A

28. It follows that neither would the modest benefits outweigh the multiple harms identified in Appeal A, in terms of the unacceptable harm to infrastructure and facilities, as well as the poor quality living conditions for future occupants and harm to the living conditions of existing residents.

Conclusion

29. Both Appeal A and Appeal B would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeals should be determined otherwise. Therefore, for the reasons given above, I conclude that both Appeal A and Appeal B should be dismissed.

H Miles

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/D3830/W/22/3312248	Mr Justin Pitman of Abode Homes
Appeal B	APP/D3830/W/23/3316310	Mr Justin Pitman of Abode Homes