



Appeal Decision

Site visit made on 7 May 2024

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

an Inspector appointed by the Secretary of State

Decision date: 15th May 2024

Appeal Ref: APP/Q3820/W/23/3332489

**Heathermead, Turners Hill Road, Pound Hill, Crawley, West Sussex
RH10 7SL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA, of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Moin Vohora against the decision of Crawley Borough Council.
 - The application Ref is CR/2023/0505/EDAS.
 - The development proposed is "Proposed additional storey and pitch roof over principle part of dwelling".
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Decision

1. The appeal is dismissed.

Preliminary matter and main issues

2. Under GPDO Article 3(1) and Schedule 2, Part 1, Class AA, planning permission is granted for the construction of one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purposes of that construction subject to conditions and limitations including the requirement to submit an application to the Council for prior approval. The Council says that the proposal would satisfy all matters other than those relating to impact on the amenity of any adjoining premises, and the external appearance of the dwellinghouse. I see no reason to disagree.
3. The main issues are the effect that the proposed development would have on:
 - the character and appearance of the surrounding area, and
 - the living conditions of the occupiers of 2 Green Bushes, regarding outlook, and sunlight and daylight.

Reasons

Character and appearance

4. The condition in GPDO paragraph AA.2.(3)(a) states that before beginning the development, the developer must apply to the local planning authority for prior approval as to (ii) the external appearance of the dwellinghouse, including the design and architectural features of (aa) the principal elevation of the dwellinghouse. The use of 'including' in the GPDO means that this matter is not part of a closed list. As prior approval is required, the decision maker would be

- expected to exercise planning judgment, and that could reasonably include considering the effect of the proposal on nearby dwellings and the locality.
5. Whilst there are a few commercial developments in and by the nearby part of Balcombe Road, the appeal site is situated within a mainly residential area on the roughly south side of Turners Hill Road, opposite its junction with Newbury Road. The existing 2 bedroom bungalow is set back from the road in its leafy front garden, which includes a drive and turning area by the garages by its deep but lower front outshoot. The low profile bungalow at Windfall lies roughly east, the semidetached chalet style dwelling at 2 Green Bushes lies roughly west, and at the back lie the detached mostly 2 storey dwellings at 23 and 24 Mayfield. The mainly 3 storey flats on the opposite side of the partly tree edged Turners Hill Road are set well back from that road, and the taller flats by the junction with Balcombe Road respect their corner siting. So, whilst the locality includes dwellings in a range of ages, types and styles, the spaciousness and leafiness in the nearby part of Turners Hill Road, and in the nearby streets, contributes positively to the local suburban character.
 6. The simple form, scale and low eaves of the mid C20 appeal dwelling, the layout and proportions of its window and door openings, and its features, including its shallow recessed storm porch, are important to its character and appearance. The proposal would include a one storey plus pitched roof upward extension to the principal part of the appeal dwelling. The pattern and scale of the ground floor window and door openings would largely be repeated in the upper floor's front and back walls, but there would be no first floor openings in the proposal's gable ends, and no windows over the front outshoot. There is little detail on the plans to show if or how the windows would be subdivided.
 7. The bulk and scale of the proposal's upper floor and its side gabled roof, the layout and proportions of its window openings, including the extensive glazing in bedroom 3 and the absence of windows or other features in the east end of its front, and its stark appearance would be out of keeping with the appeal dwelling's character and appearance. So, the proposal would be discordant amongst the largely well-proportioned nearby dwellings, including 2 Green Bushes and 23 Mayfield, regardless of their age or style. The featureless appearance of the proposal's east end would be incongruous in the south westward views above the boundary treatments by Turners Hill Road. Moreover, due to the bulk of its side gabled form, the proposal would dominate the neighbouring dwellings at Windfall and 2 Green Bushes, and it would erode the spacious local character.
 8. The proposal would include matching materials, so the reference to others including tile hanging is not relevant. No solar panels are shown on the plans. Little information about the other schemes referred to by the appellant has been put to me, so they attract little weight. As the existing and/or proposed vegetation could not reasonably be controlled by condition for more than a few years, it could not be relied upon to screen the proposal in the long term.
 9. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to the National Planning Policy Framework (Framework) which aims to achieve well-designed and beautiful buildings and places.
 10. Thus, the proposal would not be acceptable in respect of paragraph AA.2.(3)(a)(ii) of the GPDO Schedule 2, Part 1, Class AA.

Living conditions

11. The first floor bedroom window in the east side of the dwelling at 2 Green Bushes faces the site, but the appeal dwelling is sited a little closer to the road than that neighbouring dwelling. The gable end of the dwelling at 2 Green Bushes is some way from the common boundary, and the appeal dwelling is a little further from it. So, whilst there is some tall vegetation near the common boundary, the outlook from the first floor bedroom window in the gable end of 2 Green Bushes is mainly open. Part of the proposal would be seen from that first floor window at 2 Green Bushes, but having regard to the distances and relationships between them, most of the outlook over and beyond the proposal would be open. So, the proposal would not be so overbearing or so oppressive that it would harm the outlook of the occupiers of 2 Green Bushes. Moreover, having regard to the orientation as well, the proposal would not cause an unacceptable loss of sunlight or daylight in the side facing first floor bedroom at 2 Green Bushes.
12. Thus, I consider that the proposal would not harm the living conditions of the occupiers of 2 Green Bushes, regarding outlook, and sunlight and daylight. It would satisfy the Framework which seeks a high standard of amenity for existing and future users.
13. So, the proposal would be acceptable in respect of paragraph AA.2.(3)(a)(i) of the GPDO Schedule 2, Part 1, Class AA.

Other matters

14. 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) (the Habitats Regulations).
15. Natural England has advised that the Sussex North Water Supply Zone includes supplies from a groundwater abstraction which cannot, with certainty, conclude no adverse effect on the integrity of the Arun Valley Special Area of Conservation, the Arun Valley Special Protection Area 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.
16. The proposal would increase the size of the appeal dwelling from a 2 bedroom dwelling to a 4 bedroom dwelling. No new bathrooms are shown on the plans. However, as the proposal would be likely to increase the number of people living in the dwelling by 2 or more people, the proposal would be likely to increase the use of water. 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 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 further with the parties.

17. So, the proposal would not be acceptable in respect of article 3(1) of the GPDO.

Conclusion

18. In conclusion, the proposal would not be acceptable in respect of paragraph AA.2.(3)(a)(ii) of the GPDO Schedule 2 Part 1, Class AA, and article 3(1) of the GPDO.

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

J Reid

INSPECTOR