



Appeal Decision

Site visit made on 21 June 2024

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2024

Appeal Ref: APP/Q3820/W/23/3323528

Land Adjacent to Woodend, Forge Wood, Pound Hill RH10 3NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr L Hammond against the decision of Crawley Borough Council.
 - The application Ref is CR/2022/0412/FUL.
 - The development proposed is the erection of a single dwelling including new vehicular access onto Steers Lane.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Both main parties have had an opportunity to consider the relevance of the revised National Planning Policy Framework ("the Framework"), to this appeal and would not be prejudiced by me not seeking their views on it. All references to the Framework in this decision relate to the revised document.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the area, including existing trees.
 - Whether the proposed development would provide adequate living conditions for future occupiers of the proposed dwelling with particular regard to internal space and outdoor garden space.
 - Whether the proposed development would make adequate provision for off-site infrastructure, with particular regard to affordable housing and tree planting.

Reasons

Character and appearance

4. The appeal site fronts Steers Lane ("the Lane") and is set amongst the gardens of a linear row of predominantly large, detached houses of varying designs. These houses are set well back from the Lane, and, with the exception of Badgers Rest and its front garage/outbuilding, they front onto Forge Wood and take their access from it. The gardens of these properties, including the appeal site, are generally bordered to the Lane by well established hedgerows, and tend to have substantial trees and planting growing within them. Apart from Badgers Rest they are mostly devoid of garden buildings.

5. A large housing development is under construction on the opposite side of the Lane. The layout drawing of this shows houses set well back from this section of the Lane and behind the row of large, well-established trees fronting the Lane, with no direct vehicle access to it. Although these trees do not form an impenetrable barrier to views of the houses under construction, they nonetheless form a strong landscape feature and a mature green backdrop to this section of the Lane. They also visually contain the housing development within its site, giving it a sense of separation from the established row of houses on the same side as the appeal site.
6. The spacious and well planted conditions on the appeal site and the surrounding gardens, together with the rows of trees separating the new housing development from the Lane opposite, gives this section of the Lane an appreciably verdant and semi-rural character and appearance.
7. The proposed dwelling would not appear cramped given the space either side of it. However, it would be positioned much closer to the Lane than the linear row of dwellings fronting Forge Wood, and the garage/outbuilding to Badgers Rest, where it would have an obvious presence in the street scene. Seen from the Lane, above the boundary hedgerow and through the proposed vehicle access, its scale and design, together with the access, parking/turning area, and the likelihood of accumulated domestic paraphernalia, would not disguise its residential use. As such, despite its modest scale, it would read as a dwelling and not an outbuilding or garage.
8. I have limited evidence to demonstrate that new planting or growth of the existing hedgerow would provide impenetrable screening to views of the proposed dwelling from the Lane, particularly given the gap at the site access. New planting would also take a number of years to become established and I have no certainty that future occupiers would not seek to prune or thin out vegetation.
9. Whilst smaller than the previous schemes for a dwelling, for the reasons given above, the appeal proposal would nonetheless have an intrusive presence within the garden scene and would disrupt the established pattern of buildings on this side of the Lane. Furthermore, it would not relate to the new housing development set behind the trees on the opposite side of the Lane. Consequently, it would be out of keeping with its surroundings and would harmfully erode the verdant and semi-rural character and appearance of the area.
10. I therefore conclude on this issue that the appeal proposal would cause significant harm to the character and appearance of the area, in conflict with Policies CH2 and CH3 of the Crawley Borough Local Plan 2015–2030, Adopted December 2015 ("the CBLP"), insofar as they seek to ensure that development responds to and reinforces locally distinctive patterns of development and relates sympathetically to its surroundings in terms of scale and layout.
11. It would conflict with the Crawley Borough Urban Design Supplementary Planning Document, October 2016 ("the SPD"), which advises that development should respond to and reinforce locally distinctive patterns of development and landscape character.

Trees

12. Several well-established large trees are growing in the rear gardens of houses on Forge Wood, including on the appeal site and within the nearby gardens of Woodend and Badgers Rest. The evidence suggests these are protected by a Tree Preservation Order.
13. The substantial Oak tree growing within the grounds of Badgers Rest, would overshadow the north west part of the proposed garden for large parts of the day and it would experience seasonal leaf drop. However, the area of garden on the opposite side of the proposed dwelling would have a more open aspect, which would be increased further by the proposed coppicing of the Sweet Chestnut tree and removal of the Silver Birch. Based on the appellant's Arboricultural Impact Assessment, the works to these trees are justified and I note the Council's Arboricultural Officer reached a similar conclusion.
14. Even accounting for the tall deciduous trees growing in the corner of the appeal site, a large part of this side garden would not be overshadowed by trees for much of the day. It would have a generally open aspect towards the south. Although a proportion of this side garden would be taken up by hardsurfacing, its size relative to the low occupancy level of the proposed dwelling and aspect would contribute to providing adequate living conditions for future occupiers.
15. Taking all the above into account, I am satisfied on the evidence before me that existing trees would be unlikely to cause a level of nuisance to future occupiers that would place them under irresistible pressure to be significantly pruned or felled. As the scheme before me is materially different in scale and layout to that before the Inspector in 2019¹, it has limited relevance to my conclusions on this main issue.
16. For these reasons, I conclude on this issue that the proposed development would not have an unjustifiably adverse effect on the existing trees. As such, it would be consistent with CBLP Policies CH2, CH3 and CH6, insofar as they seek to ensure that trees contributing to the significance and distinctiveness of the site and its context are protected.

Living conditions

17. The SPD advises that the shape and position of all private outdoor space should have regard to daylight, sunlight and overshadowing from trees. I have already found that a large part of the garden adjacent to the south east gable of the proposed dwelling would not be overshadowed by trees for much of the day. Given the low occupancy level within the proposed dwelling, the proposed garden would provide adequate space in a practical and usable shape for relaxation and domestic activities. Based on the appellant's floorspace figures the proposed 1 bedroom dwelling would meet the applicable Nationally Described Space Standard.
18. For these reasons I conclude on this issue that adequate living conditions would be provided for future occupiers of the proposed dwelling with particular regard to internal space and outdoor garden space. As such, it would be consistent with the guidance in the SPD and CBLP Policies CH3 and CH5, insofar as they seek to ensure that development provides a good standard of amenity for all future occupiers, including compliance with internal space standards.

¹ APP/Q3820/W/19/3221950

Infrastructure

19. CBLP Policies H4 and CH6 require commuted payments towards providing off-site affordable housing and tree planting respectively. There is limited evidence to indicate whether the requisite tree planting could be accommodated on the appeal site. The appellant has expressed a willingness to pay the commuted sums for these types of infrastructure. However, there is no legally binding mechanism before me to properly secure these contributions and the Planning Practice Guidance² advises that a condition cannot require the payment of money to the Council. The evidence before me does not demonstrate any exceptional circumstances that would justify imposing a negatively worded planning condition to require a planning obligation to be entered into.
20. For these reasons I conclude on this issue that the appeal proposal would not make adequate provision for off-site infrastructure, with particular regard to affordable housing and tree planting. As such, it would be contrary to CBLP Policies CH6, ENV2, H4 and IN1, insofar as they require development to be supported by necessary infrastructure.

Other Matters

21. The proposal would deliver a small, accessible dwelling that could be built quickly to make good use of land and contribute to the supply of housing in a location where it is supported as a matter of principle. Construction and occupation of the proposed development would generate economic activity. Energy and water usage could be minimised, and solar PV would supply renewable energy to limit carbon emissions. These are all positive attributes of the proposed development.

Conclusion

22. For the reasons given above, the proposed development would harm the character and appearance of the area and would fail to make adequate provision for affordable housing and tree planting. These harms bring it into conflict with the development plan as a whole and they weigh significantly against the grant of planning permission. Although I have not identified any other planning harms, an absence of harm does not weigh positively in favour of the proposal.
23. Given its scale, the benefits of the proposed development would be small, and they attract limited weight in its favour, insufficient to outweigh the conflict with the development plan. There are no material considerations of sufficient weight, including the provisions of the Framework, to indicate that a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

G Sylvester

INSPECTOR

² Paragraph: 010 Reference ID: 21a-010-20190723