



Appeal Decision

Site visit made on 11 November 2024

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

an Inspector appointed by the Secretary of State

Decision date: 21st November 2024

Appeal Ref: APP/Q3820/D/24/3349003

1 Turner Walk, Tilgate, Crawley, West Sussex RH10 5LF

- 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 A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Shakil Ahmed against the decision of Crawley Borough Council.
 - The application Ref is CR/2024/0210/HPA.
 - The development proposed is "single storey rear extension to project 4m with a maximum height of 3m".
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Decision

1. The appeal is dismissed.

Preliminary matter and main issue

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO, planning permission is granted for the enlargement of a dwellinghouse subject to conditions and limitations. Paragraph A.4 requires a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g). Paragraph A.4(7) provides that where any owner or occupier objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises, taking account of any representations received.
3. The main issue is the effect that the proposed development would have on the living conditions of the occupiers of 2 Turner Walk, regarding outlook, and sunlight and daylight.

Reasons

4. The appeal site is situated on the roughly north west side of Turner Walk opposite the access to the Tilgate playing field car park by the corner in Gainsborough Road. The appeal dwelling is located at the roughly south west end of a terrace of similar dwellings. The attached dwelling and its grounds at 2 Turner Walk lie roughly north east, and the fence by the common boundary between their back gardens includes a taller part by the backs of the dwellings. There is a reasonable gap between the lean-to conservatory at the back of the appeal dwelling and the common boundary with 2 Turner Walk.
5. The dwelling at 2 Turner Walk is the same hand as the appeal dwelling, and its back includes patio doors which are close to the common boundary, and a

window and part glazed door further from it. There is a reasonable likelihood that the internal layout of that dwelling is similar to that of the appeal dwelling, which includes a separate living room and kitchen at the back. So, it is likely that the patio doors are the sole source of natural light and outlook for that nearby room at 2 Turner Walk. The proposal would replace the existing conservatory with a larger flat roofed single storey back extension.

6. The upper part of the nearest side of the proposal would be finished in brickwork, and as it would be taller than the fence by the backs of both dwellings and close to the common boundary, it would intrude into the important openness above the fence nearby. Due to its depth, height, scale, form and siting, the proposal would be unacceptably overbearing and oppressive in the outlook from the patio doors in the nearby room at the back of the dwelling at 2 Turner Walk, and in its back garden close by.
7. As the backs of the dwellings in the terrace face roughly north west, their ground floor rooms are not likely to receive much early morning sunlight at any time of year. However, during the summer months, those rooms, and the back gardens close by, should receive some welcome sunlight later in the day. Due to its form, height, depth, scale, siting and orientation, the proposal would harmfully erode the sunlight received in the nearby room at the back of the dwelling at 2 Turner Walk, and in its garden close by. Even so, for the same reasons, and due to the openness in the back garden at 2 Turner Walk, the proposal would not cause a detrimental loss of daylight in that nearby ground floor room or in its nearby back garden.
8. As the existing mainly glazed conservatory reduces in height with its distance from the dwelling, is shallower in depth, and is sited further from the common boundary, it provides little support for the proposal. The appellant has referred to other cases in the Borough, including those in Short Close, Ashdown Drive and Chaucer Road, where prior approval was not required, or a certificate of lawful use or development was issued. However, because the considerations in all of those cases were likely to be different to those in the appeal before me, I have dealt with the proposal on its merits and in accordance with its site specific circumstances.
9. Therefore, I consider that the proposed development would harm the living conditions of the occupiers of 2 Turner Walk, regarding outlook and sunlight. In this respect, the proposal would be contrary to the National Planning Policy Framework which seeks a high standard of amenity for existing and future users.

Conclusion

10. In conclusion, the proposed development would not be acceptable in respect of paragraph A.4(7) of GPDO Schedule 2, Part 1, Class A.
11. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR