



Appeal Decision

Site visit made on 13 December 2024

By N Perrins MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2025

Appeal Ref: APP/Q3820/D/24/3347548

60 Hazelwick Road, Three Bridges, Crawley, West Sussex RH10 1LZ

- 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 Ms Julie O'Brien against the decision of Crawley Borough Council.
 - The application Ref is CR/2023/0063/FUL.
 - The development proposed is a loft conversion with dormer.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms Julie O'Brien against Crawley Borough Council and this is the subject of a separate Decision.

Procedural Matters

3. A revised National Planning Policy Framework (the Framework 2024) was published in December 2024. The Framework 2024 does not raise any new matters that are determinative to the outcome of this appeal.
4. I am aware that the Crawley Local Plan 2023-2040 (CLP 2040) was adopted by the Council on 16 October 2024, and which had replaced the previous Crawley Local Plan 2015-2030 that was in effect on the date when the planning application subject of this appeal was determined. The former development plan policies referred to in the decision notice CH3, CH12 and CH13 are no longer in force or determinative to this appeal. The decision notice, however, also referred to the emerging policies of the CLP 2040 DD1, HA1, and HA2 that are adopted and carry full weight in the determination of this appeal.
5. The application seeks to regularise the loft conversion and dormer that has been constructed at the site. The Council has identified in its reasons for refusal that there is a discrepancy between the plans and the development that has been built at the site. These are listed in the Officer's Report as the dormer being closer to the top of the chimney and the main roof of the house than shown on the drawings, and the width extending across the ridge of the rear projection onto the neighbour's roof. There are further inaccuracies with regard to fenestration. From my own observations on site I agree that there are significant deviations between the drawings and what has been built.

6. In view of these differences, I am unable to consider the appeal as seeking permission for the works undertaken. I have therefore considered the proposal on the basis of the plans submitted with the application and that were in front of the Council at the time of its decision rather than the structure as built on site, as I am obliged to do.

Main Issues

7. The main issues are the effect of the development on (i) the character and appearance of the Hazlewick Road Conservation Area, and (ii) the living conditions of Nos 58 and 62 Hazlewick Road with particular regard to whether it would have an overbearing affect on those properties, and overshadowing to No 58.

Reasons

Character and appearance

8. The appeal site is a two-storey mid-terrace property located on the south side of Hazelwick Road. The property is brick built with an interlocking tiled roof. The character of the area is mainly residential comprising terraces of properties within a compact urban grain. The appeal site is within the Hazelwick Road Conservation Area (CA).
9. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA.
10. From the limited information before me and my observations from my site inspection, the character of the CA comprises a well-preserved example of late Victorian and Edwardian era development associated with the expansion of the railways. Its significance derives from its formal urban structure that is defined by the consistent scale and massing of its built form, uniformity of building lines and continuity of its frontages along both sides of the street.
11. The frontages within the CA clearly have a prominent contribution to the significance of the CA. The rear of buildings, whilst not as prominently visible from public vantage points, still contribute to the significance of the CA through its uniformity of roof space including scale and massing. In this section of the CA around the appeal site, the character of the roof scape has a tightly compact character that uses hips and slopes to reduce what could otherwise be a somewhat oppressive environment for the garden areas within the CA. Dormer extensions in this context within the CA, other than on the appeal site, are subservient features of the roof scape.
12. The specific contribution of the appeal site to the significance of the CA derives, therefore, from both its frontage architecture and contribution to a uniform and consistent roof space that is largely unaltered other than some examples of small dormers.
13. The appeal scheme comprises the erection of a dormer within the rear roof space. The dormer would be flat roofed and replace the original hipped rear roof projection extending to the edge of the roof. The dormer would also wrap around and extend back onto and across the main roof slope near to the boundary with No 58. There is an existing dormer on the roof at No 58 albeit it does not project beyond the main

rear wall of the house and the hipped roof of the original hipped rear projection is retained.

14. The proposed development would dominate the rear roof slope with a large box like design. The scale and massing would be out of character with the roof and appear as an overly large and incongruous addition to what is a relatively understated roof space in terms of alterations. Dormers that have been constructed, such as on the adjoining property at No 58, are smaller and do not extend to the edges of the rear roof slope as is proposed by the appeal scheme. By contrast, the proposal would appear excessively large and discordant due to its size, scale, width, coverage and extent of rear projection within the roof.
15. My findings in this regard are supported by the guidance for the design of dormer windows as set out in the Council's Urban Design Supplementary Planning Document (SPD). The SPD states that a dormer window should be kept well below the ridge line, smaller than the overall width of the roof and away from the edges, be centred on the window lines below and not take up half the width of the dwelling. I note that none of this guidance has been adhered to by the appeal proposal.
16. The appeal proposal due to its height and extent of rear projection would, therefore, appear as a disproportionate and incongruously prominent addition to the rear roof slope that would not assimilate positively with the character and appearance of the CA and wider area. This is made evident by the dormer that has been constructed, which appears as wholly out of place and alien to the prevailing character in terms of its scale, form and projection within the roof. Whilst the dormer on the drawings before me would appear to be slightly lower in height with marginally less width, it would still result in the same overall excessively large and discordant impact due to its size, scale, width, coverage and extent of rear projection within the roof.
17. I acknowledge that the dormer would not be visible from the street and not result in harm to how the frontage is seen within the context of the CA. However, this does not justify the harm that would be caused by the domineering impact when viewed from the rear. There are numerous properties along the adjacent terraces from which the incongruous and jarring scale, appearance and form would be visible resulting in visual harm to the special character of the CA. I find, however, that this harm would be less than substantial in view of its limited and localised impact on the roof space.
18. Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, with the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
19. Paragraph 215 then states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. No public benefits have been identified in this case that outweigh the harm identified.
20. To conclude, the proposal would result in harm to the significance of the CA and not preserve or enhance its character and appearance due to the proposal's

excessive scale, bulk, form and mass. Accordingly, I find that the proposal is contrary to Policies DD1, HA1 and HA2 of the CLP 2040, which state that development will be required to include form and architectural quality and specification which complements the existing setting and character of the area, where a designated heritage asset is affected by a proposal great weight will be given to its conservation and all development within a CA should individually and cumulatively result in the preservation or enhancement of the character and appearance of the area. The proposed extension would also not accord with the requirements of the Framework 2024 in terms of its design and impact on the non-designated heritage asset.

Living Conditions

21. The Council contend that due to the size and positioning of the dormer, the proposal could result in an overbearing form of development with a particular impact to first floor windows. The Council also consider it likely that there would be some overshadowing of first floor windows to No 58 in the afternoon. Whilst the proposal is excessive in its size and would harm the character and appearance of the area, the Council do not provide sufficient evidence to demonstrate the scale of harm they purport in terms of overshadowing effects. From my observations assessing the dormer that has been built, any overshadowing would be minimal and not sufficient justification on its own to withhold planning permission.
22. I do agree with the Council, however, that the proposal would appear as an unacceptably dominant and overbearing development due to its size and position within the roof slope when viewed from neighbouring gardens. The gardens areas on the appeal site and surrounding properties forms part of a tightly compact urban grain. This would accentuate the impact from the excessive scale of the proposal, which would appear as an unacceptably domineering development when viewed from the comparatively small and compact garden areas to the area where this proposal would be prominently visible from, reducing the occupiers' enjoyment of these spaces.
23. As such, I find that the proposal would harm the living conditions of neighbouring occupants using their gardens by being overbearing contrary to Policy DD1, which seeks to provide or retain a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

24. The appellant raises that there are no objections from neighbouring residents. Notwithstanding that, it is necessary to ensure that surrounding character is respected and that adequate living conditions are maintained. The appellant also refers to the possibility of similar roof extensions being constructed under permitted development rights. However, there is nothing before me to suggest that there is a greater than theoretical possibility of this occurring, such that I give this argument limited weight. Even when taken together, these other matters would not outweigh the harm identified above.

Conclusion

25. For the reasons given above, and taking account of all material planning considerations, I conclude that the proposal would not accord with the development plan. There are no material considerations that would justify the proposal being

determined by anything other than the development plan and the appeal is, therefore, dismissed.

N Perrins

INSPECTOR