



Appeal Decision

Site visit made on 28 April 2025

by **S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 April 2025

Appeal Ref: APP/Q3820/W/24/3355300

23 Maiden Lane, Langley Green, Crawley RH11 7QR

- 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 Beaman Estates Ltd against the decision of Crawley Borough Council.
 - The application Ref is CR/2023/0317/FUL.
 - The development proposed is described as a: “retrospective application for single storey rear extension, and proposed change of use to 7 person HMO”.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and a change of use to a 7 person HMO at 23 Maiden Lane, Langley Green, Crawley RH11 7QR in accordance with the application CR/23/0317/FUL, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for an award of costs was made by Beaman Estates Ltd against the decision of Crawley Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The extension has been built in blockwork but is not yet rendered and painted. In internal works remain to be completed. The change of use has therefore not taken place. I have taken these factors into consideration in my determination of the appeal.
4. Since the application was determined the Council has adopted the Crawley Local Plan 2023-2040. Policies from the previous Local Plan cited in the decision notice have therefore been superseded and I have determined the appeal having regard to Policies DD1 and H9 of the new Local Plan.

Main Issues

5. The main issues are:
 - a) the effect of the extension on the living conditions of the occupants of No 21 with regard to overshadowing:
 - b) the effect of the change of use on the living conditions of neighbours in the surrounding area arising from noise and disturbance.

Reasons

Living conditions of occupants of No 21

6. The single-storey rear extension has been constructed in blockwork. It has a flat roof and projects for a depth of 3m along the shared boundary with No 21. The adjacent property has a set of patio doors that open on to its rear garden and are only a short distance from the shared boundary. Consequently, there would be a slight impingement of the 45-degree line from the extension to this ground floor window. However, given the width and height of the patio doors this would have only a marginal effect on the amount of light that could reach the room. It would therefore not cause the room to be noticeably darker or significantly alter the outlook which is primarily over the rear garden. The extension is located to the south of No 21 and is taller than the boundary fence. The additional height would result in a small increase in overshadowing of the garden for part of the day. This change would be most noticeable during the winter months when the sun is low in the sky. However, this is a minor change and from what I was able to see on site, would not cause unacceptable harm to the enjoyment of the garden at No 21.
7. The dimensions of the extension, including its height, would meet the requirements of the General Permitted Development Order for a single-storey rear extension. If it had been constructed in bricks to match the host property, as opposed to blockwork, it would not have required planning permission. An extension constructed as permitted development would therefore have had the same effect on the window and garden of the adjoining neighbours. There is therefore no justification for withholding planning permission for the extension as built.
8. The extension has not caused unacceptable harm to the living conditions of the occupants of No 21. I therefore conclude it is acceptable. It complies with Policy DD1 of the Local Plan which, amongst other things, requires development not to cause unreasonable harm to the amenity of neighbours arising from overshadowing.

Neighbourhood living conditions

9. The proposal would permit a total of 7 people to live in the property each with their own bedroom. There is a communal kitchen/living/dining room and a small rear garden. The area in front of the house is to be used to provide 4 parking spaces.
10. As those occupying HMOs live independently of one another, there may be more comings and goings from the property than would be expected if it was occupied as a family home. Use of the garden and people going to and from the property by car could result in additional disturbance within this quiet neighbourhood characterised by short terraces of small homes. Although the proposal meets the appropriate internal space and parking standards, Members' fears about overcrowding, noise and disturbance and additional cars parking on grass verges were not allayed by the officers.
11. However, there was no evidence presented with the appeal to substantiate Members' concerns. I am not aware of any complaints about either anti-social behaviour or inappropriate parking resulting from the presence of HMOs in other parts of the estate. Furthermore, the property could be used as an HMO for up to 6 people without the need for planning permission. Consequently, in the absence of any evidence of existing problems associated with other HMOs, there was nothing

to suggest that an increase in the number of permitted occupants from 6 to 7 in this property would cause unacceptable problems for the adjoining occupants or the wider community. The Council's environmental health officer did not raise objection to the scheme. Moreover, any issues associated with anti-social behaviour or unacceptable noise could be addressed through other legislation which is the responsibility of environmental health and/or the police.

12. Policy H9 of the Local Plan sets out a series of criteria for assessing the acceptability of an HMO. The officer's report states that the location, design and layout of the proposal is acceptable, and the development meets the Council's adopted HMO standards. I have no reason to depart from this assessment. There was no evidence to suggest that the intensity of occupation would adversely affect the character of the area or the amenity and privacy of neighbouring properties.
13. For these reasons, I conclude that the proposal would not cause undue harm to the neighbourhood arising from unreasonable noise and disturbance. The use of the property as an HMO would therefore comply with Policy H9.

Other Matters

14. Local residents objected to the scheme for other reasons including the loss of family housing, overlooking, adverse effects on the character and appearance of the area, and disturbance during the construction of the development. Whilst the change of use will result in the loss of a family home, HMOs provide a much-needed source of accommodation and is supported by the Local Plan, subject to meeting the criteria set out in Policy H9. The dwelling has two first floor windows which provides some overlooking of the adjoining gardens. This situation remains unchanged with the extension and would do so with the proposed change of use.
15. The loss of the area in front of the house to parking is somewhat at odds with the character and appearance of the surrounding estate where greenery within front gardens is a feature of the area. However, if insufficient parking was provided this would increase the likelihood of inappropriate and harmful parking on grass verges. There was therefore a justification for requiring 4 spaces to comply with the Council's standards, even though it has led to the loss of the front garden. Disruption during construction, although regrettable, is not a reason to reject an otherwise acceptable scheme which complies with the development plan.
16. None of these matters are therefore determinative in my assessment of the appeal scheme. I am satisfied that concerns about drainage and water neutrality can be addressed through the imposition of appropriate conditions.
17. I am aware that the appellant applied for a Certificate of Lawfulness after the extension had been constructed. The Council refused this on procedural grounds. However, as I have found the proposal acceptable, it is not necessary for me to address this outstanding matter in the context of this appeal.

Conditions

18. The officer's report on the application provided a list of conditions which I have considered against the tests set out in paragraph 57 of the National Planning Policy Framework 2024. As the extension has already been constructed, the condition setting out the standard time limit is not needed. However, conditions to

specify the plans and limit the number occupants to 7 residents are required in the interests of certainty.

19. Conditions are also necessary to ensure that the HMO is not occupied until various other works have been completed. The fixtures and fittings set out in the Water Neutrality Statement must be fully implemented to prevent unacceptable water extraction leading to adverse impacts on the protected habitats in the Arun Valley, including the Amberley Wild Brooks Site of Special Scientific Interest (SSSI), the Pulborough Brooks SSSI and the Arun Valley Special Protection Area/Special Area of Conservation and Ramsar Sites. The provision of 4 parking spaces using porous materials is required to prevent run-off of surface water on to the public highway and reduce the risk of inappropriate parking. The provision of covered and secure parking facilities for 7 bicycles is needed to encourage and promote the use of sustainable modes of transport.
20. The extension has been constructed in blockwork. This does not match the original dwelling and does not provide a suitable finish to the building. The application form states that it is proposed to complete the extension with render painted off-white. This intention is reiterated in the appellant's appeal statement. I have therefore imposed an additional condition requiring this work to be completed before first occupation of the building as an HMO.

Conclusion

21. The proposal complies with the development plan and there are no considerations that indicate that a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal is allowed.

S M Holden

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall not be carried out other than in accordance with the following approved plans: EFP/23013-1, EFP/23013-2 and EFP/23013-3.
2. The House in Multiple Occupation hereby permitted shall not be occupied by more than seven residents at any one time.
3. The House in Multiple Occupation hereby permitted shall not be first occupied until the external surface of the extension has been rendered and painted off-white.
4. The House in Multiple Occupation hereby permitted shall not be first occupied until the water efficient fixtures and fittings set out in the Motion TN01 - Water Neutrality Statement submitted on 27 October 2023 have been installed and made fully operational. These fixtures and fittings shall thereafter remain in perpetuity or be replaced by fixtures and fittings of the same or improved levels of water efficiency.

5. The House in Multiple Occupation hereby permitted shall not be first occupied until the car parking hardstanding has been constructed in accordance with the details shown on the Proposed Block Plan (drawing EFP/23013-1). The hard surface shall be made of porous materials or provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the building. No surface water shall run off to the public highway or public sewer. The parking spaces shall thereafter be retained at all times for use by residents of No 23 Maiden Lane.
6. The House in Multiple Occupation hereby permitted shall not be first occupied until covered and secure parking for seven cycles has been provided in accordance with the Planning Statement dated 6 June 2023. The cycle parking shall thereafter be retained for use by occupants of the House in Multiple Occupation.

End of Schedule of conditions