



Appeal Decision

Site visit made on 16 June 2025

by Mr D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2025

Appeal Ref: APP/Q3820/W/24/3353238

106 Three Bridges Road, Three Bridges, Crawley, West Sussex RH10 1JL

- 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 Stephen Edmund Gosine against the decision of Crawley Borough Council.
 - The application Ref is CR/2022/0708/FUL.
 - The development proposed is Change of use from detached garage to 2 bed dwelling, including a single storey extension and roof alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application was determined the Crawley Borough Local Plan 2023 – 2040 (2024) (the CBLP) has been adopted, superseding the 2015 – 2030 Local Plan. The Council and the Appellant have both had the opportunity to comment upon this through the appeal process. I have accordingly assessed the appeal scheme against the recently adopted CBLP policies.
3. Since the application was determined, the 2023 Housing Delivery Test (HDT) results and the revised National Planning Policy Framework (2024) (the Framework) have been published. I have given the Council and Appellant the opportunity to comment upon these matters and taken the responses into account in the determination of this appeal.

Main Issues

4. The main issues are:
 - the effect of the proposal upon designated habitats sites;
 - whether or not the proposal would make adequate provision for off-site infrastructure, with particular reference to affordable housing and tree planting;
 - whether or not the proposal would result in a satisfactory form of development, with particular reference to protected trees;
 - the effect of the proposal upon the character and appearance of the area; and,
 - the effect of the proposal upon the living conditions of the occupiers of No 1 Rowan Close, with particular reference to outlook.

Reasons

Designated habitats sites

5. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) require where a scheme is likely to result in a likely significant effect (LSE) on a designated habitats site, a competent authority must make an appropriate assessment (AA) of its implications on the integrity of any habitats site, in view of the sites' conservation objectives. Any LSEs arising from a scheme need to be considered alone and in combination with other development in the area, adopting the precautionary principle.
6. The appeal site is within the Sussex North Water Resource Zone (SNWRZ), which includes supplies via groundwater abstraction. The abstraction is close to the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site (the Arun Valley sites) which are designated habitats sites. They are designated as they are important habitats for threatened invertebrate species, a rich variety of flora including nationally rare and scarce plant species, the Little whorlpool ram's-horn snail, the Bewick's swan, and internationally important waterbird assemblages (the qualifying features).
7. The Arun Valley sites' conservation objectives are to maintain or restore their integrity, by contributing to achieving a favourable conservation status of the qualifying features. This is by maintaining or restoring: the extent, distribution, structure and function of the qualifying features and habitats, the population and distribution of the qualifying features within the sites, and the supporting processes on which the habitats of the qualifying features rely.
8. A Natural England (NE) Position Statement¹ (PS) explains NE cannot with certainty conclude that groundwater abstraction from the SNWRZ does not result in adverse effects (LSEs) upon the integrity of the Arun Valley sites, so developments must not add to impacts. This appeal scheme would create an additional dwelling that would draw its water from the SNWRZ. Therefore, without mitigation it is not certain the appeal scheme would not result in LSEs upon the designated Arun Valley sites.
9. One way of ensuring there would not be LSEs, is demonstrating water neutrality. The appellant's Water Neutrality Report (WNR) relies upon highly efficient appliances, fixtures and fittings, rainwater harvesting and grey water recycling. Some elements of mitigation do not appear to offer full certainty, noting the Council's concerns about certainty of specific appliances being used in perpetuity.
10. It is also put to me that mitigation within the existing house at No 106 has not be demonstrated to a sufficient level. Moreover, while I note the appellant's laudable efforts in previously improving No 106's water consumption, this cannot be considered in the calculation. There is also no evidence before me to allow me to conclude an existing well would not draw from the same groundwater aquifer that is resulting in LSEs. NE's consultation response queries how some savings are evidenced and raises an issue of potential double counting. Based upon the evidence, it is not satisfied the scheme would not result in LSEs. Overall, I am not satisfied water neutrality is demonstrated and can be secured.

¹ Natural England's Position Statement for Applications within the Sussex North Water Supply Zone, September 2021 – Interim Approach.

11. To address matters the appellant is seeking to purchase water credits, but there is no scheme detailed before me for my assessment to be satisfied it is sufficiently robust. The Council informs me presently it has no formally adopted Council or wider strategic level mitigation scheme. Though the Council is undertaking work to identify water savings within the Borough, I am informed these cannot support the scheme, and a strategic offsetting water scheme is in the early stages.
12. Therefore, it is not fully demonstrated that, and I cannot be certain, the appeal scheme would be water neutral. Regulation 63(5) of the Regulations states a competent authority may agree to a plan or project, only after having ascertained it will not adversely affect the integrity of habitats sites. In the circumstances, it would not be appropriate or acceptable to address this by conditions.
13. The appeal scheme does not make adequate provision for water neutrality to ensure there would not be LSEs upon the Arun Valley sites, thus maintaining their integrity in view of their conservation objectives. It is not demonstrated there are no alternative solutions to providing insufficiently mitigated housing at the appeal site. Imperative reasons of overriding public interest do not exist and there are no other considerations that clearly outweigh the harm to the Arun Valley sites. Given that I may agree to a plan or project, only after having ascertained it will not adversely affect the integrity of habitats sites, Regulation 63(5) of the Regulations precludes the proposal from proceeding.
14. For the reasons set out, I cannot be certain the appeal scheme would not have LSEs upon designated habitats sites. This conflicts with Policy GI2 and SDC4 of the CBLP, which state that development within the SNWRZ needs to demonstrate water neutrality, and if significant harm to biodiversity cannot be avoided or adequately mitigated, permission should be refused. It would also conflict with Framework paragraph 193a) which has similar objectives. As it refers to the process of applying the presumption in favour of sustainable development only, I have not concluded against Framework paragraph 195.

Off-site infrastructure

15. High house prices in the Borough are resulting difficulties for younger people and those on low to moderate incomes, to afford private market housing, with affordable housing need understood to be acute. CBLP Policy H5 requires an affordable housing contribution from all residential developments, via a commuted sum towards off-site provision, applying a Sum Calculator. Policy H5 states the Council will only consider relaxing this affordable housing requirement, in part or in full, in exceptional circumstances evidenced by robustly assessed viability.
16. Policy DD4 of the CBLP requires where proposals would result in the loss of trees, they must be replaced in order to mitigate for the visual impact resulting from their loss, in accordance with the listed requirements. Where the Council agrees that it is not feasible or desirable on-site, commuted sums will be sought, to enable the green character and appearance of the Borough to be maintained.
17. The Council calculated contributions of £10,967 for affordable housing and £700 for trees, in accordance with relevant Supplementary Planning Documents², which the appellant does not appear to dispute, and has indicated a willingness to enter

² The Affordable Housing Supplementary Planning Document (2017) and the Green Infrastructure Supplementary Planning Document (2016).

into a planning obligation. In respect of the affordable housing contribution, I see no substantive reason to disagree with the Council's calculation.

18. Based upon the evidence before me, I am satisfied an affordable housing contribution is necessary to make the development acceptable having regard to the development plan, directly related to the development, and fairly and reasonably related in scale and kind to it. So, the requirements in Regulation 122 of the CIL Regulations and tests in Framework paragraph 58 are met.
19. The PPG advises that in exceptional circumstances a condition might be appropriate where there is clear evidence the delivery of a development would otherwise be at risk, such as for particularly complex developments³. However, this has not been demonstrated. The Planning Appeals Procedural Guide⁴ states that a planning obligation shall be provided with the appeal submission. While the appellant has indicated a willingness to provide an obligation, there is not an obligation, or other appropriate mechanism before me, to secure the payment.
20. In respect of tree planting, based upon what I saw and the evidence before me, no trees are directly proposed to be removed in the appeal scheme. Therefore, I cannot conclude a contribution is required, to comply with Policy DD4. Though a requirement for one new tree per dwelling is referenced in the Green Infrastructure Supplementary Planning Document (2016) (the GISPD) it is based upon a superseded policy⁵. Therefore, I am not satisfied an obligation would meet the first two tests⁶ in Framework paragraph 58 and Regulation 122 of the CIL Regulations.
21. Nevertheless, for the reasons set out above, the proposal would not make adequate provision for off-site infrastructure, with particular regard to affordable housing. This would conflict with Policy H5 of the CBLP, the relevant provisions of which I have outlined above. It conflicts with the requirements of the Affordable Housing Supplementary Planning Document (2017) and the GISPD insofar as they provide guidance upon applying development plan policies. However, for reasons already outlined I attribute the conflict with the GISPD reduced weight.

Protected trees

22. A Douglas Fir tree (T1) identified by the appellant's Arboricultural Impact Assessment (AIA) is understood to be subject of a Tree Preservation Order (TPO). T1 is a sizeable specimen located quite centrally but towards the back of the private rear garden space that would serve the new dwelling. At my visit I could see the tree was around 16m in height as referenced in the Council's report.
23. Notwithstanding some limited asymmetry, it was of good overall form, health and vigour. There is no evidence of obvious disease or significant defects. Though not a native tree it is currently a positive feature, and I see no reason to believe the tree would not continue to thrive, grow and contribute positively to the character, appearance and amenity of the area for years to come in its current environment. Any form of future replacement of it, would be likely to take a considerable number of years to reach anything like the same positive contribution.

³ Planning Practice Guidance Reference ID: 21a-010-20190723.

⁴ Section 9.5.1 of the Procedural Guide: Planning appeals – England (April 2025).

⁵ Policy CH6 and stipulated requirements in paragraphs 3.7 – 3.14 of the GISPD.

⁶ Necessary to make the development acceptable in planning terms; and, directly related to the development.

24. The tree has quite a high crown and the lower larger branches do not appear to spread directly towards the proposed rear façade. Based upon its stature and form as I saw it, I do not agree with the view that were the dwelling constructed, at the present time it would be unacceptable. Though not being a comprehensive daylight/shadow study, the appellant's photographs give some indication of this.
25. However, that the tree appears only Semi-Mature, it is likely to grow significantly, noting the Council's view this could reach 20 – 30m high. With that, crown growth and spread will occur over the garden, causing greater shading to the rear rooms of the dwelling and the garden from a westerly direction. The tree is due west of the proposed façade, so the main open aspect serving the dwelling would be broadly to the north and is more limited to the southwest, limiting direct sunlight.
26. It may provide welcome shade during the warmer months of the year, though it is doubtful this will be welcome all year round. The feeling of dominance and shading through the day over a year would become a significant one in time. Its stature and position would result in marked adverse effects upon the living conditions of the future occupiers within, and enjoyment of, the rear facing rooms which include a living room, and the rear garden. This is such that it would be likely to result pressure for significant reduction works adversely affecting its future contribution to the character, appearance and amenity of the area. I am not provided with a substantive case to lead me to an alternative view.
27. For the reasons set out above, the proposal would not result in a satisfactory form of development with particular reference to a protected tree, in conflict with Policies DD1 and DD4 of the CBLP. Amongst other things these require development provides a good standard of amenity for future occupiers, tree retention is accounted for with sufficient space to reach maturity, there is sufficient space to ensure private gardens would not be overshadowed by tree canopies, and rooms within buildings receive adequate daylight.
28. There would be a conflict with the aims of Framework paragraph 135f) insofar as this seeks a high standard of amenity. It would conflict with the aims of Urban Design Supplementary Planning Document (2016) (UDSPD) advice at paragraphs 2.15 and 3.46, and GISPD paragraph 3.6, that the effects of trees need to be duly considered and situations where shading could be a problem, are avoided.

Character and appearance

29. The area is characterised by a mix of dwellings. This includes traditional two-storey generally detached dwellings of varying styles in generous plots set well back of the highway on Three Bridges Road. Rowan Close dwellings are of a unified architectural appearance with brick and boards under shallow roofs, with distinctive fenestration and integral garages. Dwellings on St. Paul's Mews are on smaller plots, with 3rd floor roof accommodation and dormers. Though most closely related to Rowan Close, the site is also viewed within the context of these other dwellings. As garden land with a detached garage, the appeal site makes a neutral contribution to the character and appearance of the area.
30. The dwelling would have a similar plot size to those to the south. Though its position close to the site frontage is forward of the adjacent building lines, viewed in the context of No 4 Rowan Close, it does not appear strident. Nevertheless, it would have a very small frontage garden and is prominently sited. The modest increase in ridge height, dormers, rear projection, and associated bulk and mass

would make the building more prominent. However, the increases are towards its rear, so any enclosing effect would be limited, and it would not appear dominant.

31. The primarily render finish would reflect the largely rendered facades on neighbouring properties to the north and west. Though they are not a frequently visible feature in the wider area, skylights are clearly visible on one significant building on St. Paul's Mews within the close visual backdrop of the appeal site. The lower skylight would be viewed rather oddly placed, but overall, the front facing skylights would not be unduly harmful.
32. The roof pitch would be at odds with the shallow forms in Rowan Close but would be more reflective of some nearby on St. Paul's Mews. The rear dormers are close to the ridgeline, and of differing sizes, but not greatly differing. While not a feature of Rowan Close, similar style dormers are visible in St. Paul's Mews to the rear, and being on the rear elevation these proposed dormers would not appear unduly strident. The asymmetry of the roof due to the increased eaves height though noticeable, would be of limited prominence.
33. I do not disagree with the Council that various attributes of the proposal and its almost chalet style are not reflective of the Rowan Close street scene. However, some elements do draw from buildings to the north and west and the appeal site is also viewed quite clearly in their context from the street scene. As such while out of keeping with Rowan Close, it is only out of keeping with the area as a whole to a limited degree, and as a matter of judgement I consider there is only limited harm.
34. For the reasons set out, the proposal would be out of keeping with the character and appearance of the area. This would conflict with Policies CL2 and DD1 of the CBLP, which require development respects, protects, complements and enhances the positive aspects of existing character of the site and wider area, including layout, form and architecture. It would also result in some degree of conflict with Framework paragraph 135 insofar as it seeks that development maintains a strong sense of place and is sympathetic to local character. There would also be some degree of conflict with guidance in the UDSPD insofar as it collectively seeks development to be in keeping with the character and appearance of the area.

Living conditions

35. The garage building is forward of the front facing windows of No 1 Rowan Close (No 1). On the first floor, No 1's closest window currently enjoys a good degree of outlook. The increase in roof height, bulk and mass of the appeal building would be limited. Being rear of the existing roof apex, though it might possibly breach the 60-degree guideline in the UDSPD, the increases would be at quite an angle from the window and some distance from it.
36. The other windows in the façade are further away, high level, and at quite an acute angle of visibility, so the effects upon them would be very minor. On the ground floor the nearest habitable room window is a significant distance away, under an open porch canopy connected to a projecting integral garage adjacent to the window. This arrangement means the appeal scheme would have little if any effect upon the outlook from this window. The Council has not specifically cited the effect upon the front garden space and having regard to the overall outlook from it, the effect of the changes would be very small.

37. Taking into account the effect of the modified building as a whole, as a matter of judgement, having regard to its scale and shape, the distances and angles involved, and remaining outlook, the effect of the enlarged building upon No 1 would be limited. The development would not feel imposing, would retain a good standard of living conditions, and not be unreasonable in respect of dominance to occupiers of No 1 with reference to outlook, as expected by CBLP Policy DD1a).
38. For the reasons set out above, the proposal would not result in harmful living conditions to the occupiers of No 1 Rowan Close with particular to outlook. It would not conflict with Policy DD1a) of the CBLP, the relevant provisions of which I have set out above. Neither would it conflict with paragraph 135f) of the Framework, which has similar objectives. Though the evidence is by no means conclusive, the appeal scheme may conflict with the 60-degree standard outlined at 3.31 of the UDSPD. However, I find no harmful effects from the conflict.

Planning Balance

39. The proposal would result in limited temporary economic benefits from its construction, and minor sustained benefits from on-going spend in the local economy and support to local services and facilities upon completion. Though noting the appellant's submissions implying a recent shortfall in housing delivery due to the SNWRZ, the Council evidences a housing land supply of around 5.4 years based upon assessment by an examining Inspector. Despite the possibility to secure it as a Self-Build and Custom dwelling for which there are needs to be met, the provision of an additional dwelling as proposed, is a limited benefit.
40. The evidence suggests improved landscaping and a biodiversity net gain may well be possible. However, there is nothing of substance to suggest these would be anything other than limited benefits. Even were renewable energy measures to result in an overall benefit above new dwelling energy requirements, it would appear that, at best, these would be limited benefits.
41. Were I to agree the development is, or subject to the imposition of suitably worded conditions could be made, compliant with policies and standards in respect of matters such as the location of development, standard of accommodation, access and parking, sustainable design and construction measures, these would be neutral matters in the balance. Not resulting harmful living conditions to the occupiers of No 1 Rowan Close, is also a neutral matter. Overall the matters in favour of the appeal scheme attract limited weight.
42. The proposal would result in harm to the character and appearance of the area which is of a magnitude that attracts limited weight against the scheme. The potential for pressure for future harmful works to a protected tree, attracts moderate weight against the appeal scheme. Not making adequate provision for securing a much-needed affordable housing contribution is matter that attracts significant weight against the scheme. That it cannot be ascertained there would not be LSEs on designated sites is harm of a high order that attracts substantial weight, and ultimately means under the Regulations, the project cannot proceed.
43. Therefore, overall, the policy conflicts and harm from the appeal scheme would significantly outweigh its benefits. Therefore, the appeal should not succeed.

Conclusion

44. The proposed development conflicts with the development plan read as a whole, the Framework read as a whole, and the Regulations. There are no material considerations, including the policies of the Framework, which indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Mr D Szymanski

INSPECTOR