



Appeal Decision

Site visit made on 13 June 2025

by **Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 July 2025

Appeal Ref: APP/Q3820/D/25/3365295

38 Kilnmead, Northgate, Crawley, West Sussex RH10 8BQ

- 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 Milan Dattani against the decision of Crawley Borough Council.
 - The application Ref is CR/2024/0724/FUL.
 - The development proposed is the erection of a single storey side extension, single storey front extension and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey side extension, single storey front extension and single storey rear extension at 38 Kilnmead, Northgate, Crawley, West Sussex RH10 8BQ in accordance with the terms of the application, Ref CR/2024/0724/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: WDP4924/A/03 Rev B, WDP4924/A/33 Rev B and WDP4924/A/34 Rev B.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. The single storey rear extension element of the proposed development has already been implemented, and the application is retrospective with regard to this element. I have considered the appeal accordingly.

Main Issue

3. The main issue is the effect on the living conditions of neighbouring residential occupiers, with reference to light and outlook.

Reasons

4. The appeal dwelling is a brick built two storey end of terrace house. It is located at the junction of Kilnmead with Applefield, a cul-de-sac. The outer side boundary of the appeal plot runs to the rear of 8 garages that open onto Applegate.
5. The Council's decision identifies that the main issue in this appeal relates only to the effect of the already implemented flat roofed single storey rear extension. A

Prior Approval decision¹ was issued by the Council for a similar single story rear extension with a mono-pitch roof in 1022. Although of the same footprint, the roof form as constructed on site varies considerably from that for which the prior approval decision was issued.

6. The single storey rear extension is the same width as the appeal dwelling and projects rearwards along the boundary with 40 Kilnmead (No.40) by approximately 4.5 metres, wrapping around the nearest garage on the Applegate side. The rear extension is approximately 3.1 metres in height, from the garden level of the appeal plot. However, the appeal dwelling steps up from the other houses in the terrace by approximately 0.4 metres, and the rear extension is concomitantly taller when measured from ground floor level at No.40, appearing approximately 3.5 metres in height.
7. The Council's design guidance for rear extensions, set out in the Crawley Urban Design Supplementary Planning Document (2016) (SPD), states that single storey rear extensions should not encroach into an area 45 degrees from the nearest edge of a neighbour's window. From my site visit it would appear that, given the scale and height of the rear extension and the distance to this window, the degree to which the rear extension sits within a 45 degree angle of this window is limited.
8. The guidance given in the SPD is advice that needs to be applied to the individual scheme and circumstances. From my site visit, I found that the height and rearward extent of the rear extension means that any loss of light and enclosing effect on outlook would also be limited, and not to the extent that it would result in any significant harm to the living conditions of the occupiers of No.40. Thereby, according with the aims and objectives of the SPD, as they relate to the protection of neighbour's amenity.
9. The mono-pitch roof of the proposal for a rear extension for which a prior approval decision was issued, would be significantly higher at the point where it would attach to the rear elevation of the appeal dwelling than the extension as built. However, it would be slightly lower in height at its furthest point from the appeal dwelling than the built extension. Consequently, I find that this previous proposal would result in more loss of light but would have the same enclosing effect on No.40 as the extension as built. I am mindful that this previous proposal represents a legitimate fallback position for the appellant, should I be minded to dismiss this appeal.
10. For these reasons, I find that the proposal as a whole, including the already implemented rear extension, would not result in a loss of light or outlook to the extent that it would cause any significant harm to the living conditions of neighbouring residential occupiers. As such, it will accord with Policy DD1 of the Crawley Borough Local Plan 2023-2040 (2024). This seeks development that would not cause unreasonable harm to the amenity of the surrounding area and retain good amenity for all.

Conditions

11. As the development has already commenced, I have not included a condition related to the timing of implementation. In the interests of design quality, I have

¹ Planning Ref: CR/2022/0358/HPA

attached conditions requiring compliance with approved plans and matching materials.

Conclusion

12. The appeal is allowed.

Victor Callister

INSPECTOR