

REFERENCE NO: CR/2023/0658/FUL

LOCATION: [93 DOWNLAND DRIVE, SOUTHGATE, CRAWLEY](#)
WARD: Southgate
PROPOSAL: RETROSPECTIVE APPLICATION FOR SINGLE STOREY REAR EXTENSION

TARGET DECISION DATE: 3 January 2024

CASE OFFICER: Miss S. Hobden

APPLICANT'S NAME: Mr T Raeburn
AGENT'S NAME: Simmons Taylor Hall

PLANS & DRAWINGS CONSIDERED:-

Drawing Number	Revision	Drawing Title
SU 00 01	A	Site Location Plan
SU 00 02	A	Block Plan
TP 11 01	B	Existing & Proposed Elevations
TP 10 01	A	Proposed Ground & Proposed Floor Plans
SU 10 01		Existing Ground & Proposed Floor

CONSULTEE NOTIFICATIONS & RESPONSES:-

1. National Air Traffic Services (NATS) No objection

NEIGHBOUR NOTIFICATIONS:-

91 & 95 Downland Drive.

RESPONSES RECEIVED:-

Seven representations have been received with the following objections and comments :

- The use of the house as a 6 person house in multiple occupation (HMO)
- The building works starting before planning permission has been obtained and is nearly complete
- The lack of notification and/or party wall agreement with the adjoining neighbour
- The extension being built over a manhole
- Access issues in Darleydale and the garages to the rear of the site due to the increased use of the house as an HMO
- The lack of parking restrictions and additional strain on available parking
- The unsightly and unfinished breeze block and brick wall facing the neighbouring property.
- The additional noise, traffic and the effects on the safety, wellbeing of residents and emergency vehicle access
- The site is located within the Water Neutrality area and the proposal will add strain to water services and drains. Property owners and residents should be notified of the proposal and allowed to comment on this issue.
- Water/sewage needs and the lack of consideration to the infrastructure.

REASON FOR REPORTING TO COMMITTEE:-

There are more than 4 objections to the proposal and the recommendation is to permit.

THE APPLICATION SITE:-

1.1 The application site contains a two storey, mid-terrace house located on the south side of Downland Drive within the residential neighbourhood of Southgate. The house is finished in a brown brick at ground floor with white cladding at first floor and has a grey concrete tiled roof. As originally constructed, the house has a slightly staggered rear wall (by 0.4m) , with the projecting element at ground and first floors on the northern side of the rear of the house. The property has a small rear garden bounded by timber fencing and has a detached garage, accessed from Darleydale.

THE PROPOSED DEVELOPMENT:-

2.1 Retrospective planning permission is sought to retain a single storey rear extension that has a height of 3 metres, a projection from the original rear elevation of 3 metres and a width of 7.3 metres. It has a flat roof with parapet walls to the sides and a rooflight. There are patio doors and a single door on the rear elevation. Internally the extension would provide an office/additional bedroom and an extended living/dining room.

PLANNING HISTORY:-

3.1 The relevant planning history for the site is as follows:

CR/2023/0496/192 - CERTIFICATE OF LAWFULNESS FOR PROPOSED SINGLE STOREY REAR EXTENSION WITH ROOF LIGHT – Refused as the works were not permitted development

CR/2023/0485/HRA - DISCHARGE OF THE CONDITION SET OUT IN REGULATION 75 OF THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS IN RELATION TO A PROPOSED CHANGE OF USE FROM A SINGLE DWELLINGHOUSE (C3) TO A SMALL HOUSE IN MULTIPLE OCCUPATION (C4) – Withdrawn

PLANNING POLICY:-

4.1 National Planning Policy Framework (Dec 2023)

- Section 2 (Presumption in favour of sustainable development). Paragraph 11 states at the heart of the framework is a presumption in favour of sustainable development.
- Section 12 (Achieving well-designed places) Paragraph 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Development that is not well designed should be refused.

4.2 Crawley Borough Local Plan (2015-2030)

The following Local Plan policies are relevant to this application:

- Policy SD1 (Presumption in Favour of Sustainable Development): In line with the planned approach to Crawley as a new town, and the spatial patterns relating to the neighbourhood

principles, when considering development proposals the council will take a positive approach to approving development which is sustainable.

- Policy CH2 (Principles of Good Urban Design): New development proposals will be required to respond to and reinforce locally distinctive patterns of development and landscape character, consider flexible development forms that can respond to changing social, technological and economic conditions and provide diversity and choice through a mix of compatible development and uses that work together to create viable places that respond to local needs.
- Policy CH3 (Normal Requirements of All New Development): states all proposals for development in Crawley will be of a high quality in terms of urban and architectural design and relate sympathetically to their surroundings in terms of scale, density, height, massing, orientation, layout, details and materials. Development must provide and retain a good standard of amenity for all nearby and future occupants of land and buildings, and be able to meet its own operational requirements necessary for the safe and proper use of the site.
- Policy ENV6 (Sustainable Design and Construction): All development, including the alteration and extension of existing buildings, should consider how it may achieve the sustainability objectives in relation to carbon.
- Policy IN4 (Car and Cycle Parking Standards): requires proposals to provide the appropriate amount of car and cycle parking to meet its needs when it is assessed against the Borough Council's car and cycling standards. These standards are contained within the Urban Design SPD.

4.3 Emerging Crawley Borough Local Plan 2024 – 2040

Following the close of the Local Plan Examination Hearings, receipt of the Inspectors' Post-Hearing letter (dated 31 January 2024) and the publication of the Main Modifications for formal public consultation, the emerging Crawley Borough Local Plan 2023-2040 has reached a very advanced stage. Due to this advanced stage, the up-to-date evidence supporting the emerging Local Plan and the clear indications provided in the Inspectors' Post-Hearing letter, the policies in the emerging Local Plan should be given substantial weight. This should only differ where there is a Main Modification proposed to the policy element being applied. The following policies are relevant:

- Policy SD1 Presumption in Favour of Sustainable Development
- Policy CL1 Neighbourhood Principle
- Policy CL2 Making Successful Places – Principles of Good Urban Design
- Policy CL3 Movement Patterns, Layout and Sustainable Urban Design
- Policy DD1 Normal Requirements of All New Development
- Policy SDC1 Sustainable Design and Construction
- Policy SDC4 Water Neutrality
- Policy ST2 Car and Cycle Parking Standards

4.4 Urban Design Supplementary Planning Document (SPD)

The Urban Design SPD is a non-statutory document which supplements the policies of the Local Plan and is applicable to this application. It contains guidelines on the standards the Council expects for the design of extensions. In particular, it states that:

Extensions

- *'An extension with good design in mind will relate appropriately to the parent dwelling's character and style, dimensions, materials and finishes of the parent dwelling and the character of the neighbourhood. Furthermore, when considering an extension it is important to think about the impact the development may have on your neighbours and the wider area.'*

Materials, Finishes and Detailing

- *'Development should incorporate materials and colours that match the existing dwelling.'*

- *'Extensions should consider existing roof pitches. A roof design that sits in harmony with the existing roof will usually be more acceptable'.*
- *'Brick detailing and fenestration (arrangement of windows) also contribute to the appearance of a dwelling. Any development should reflect the existing dwelling by ensuring that new window apertures are of a matching size and situated in line with existing ones. If an existing building features brick detailing, this should be continued or reflected in an extension'.*

Rear Extensions

- *'Rear extensions can significantly impact the amenity of neighbouring dwellings by leading to overshadowing or a dominating appearance, but also have the potential to impact on the amenity of the parent dwelling by reducing the overall size of a rear garden'.*

Avoiding Overshadowing and Dominance

- *'Overshadowing or dominating neighbours' houses and gardens can be avoided by keeping rear extensions relatively small as compared to the size of the main buildings and the gardens in which they stand'.*
- *'One or two storey rear extensions will need to maintain a minimum distance of 21 metres between the rear windows of an opposing dwelling and the rear facing windows of the extension, in order to avoid any potential overlooking and privacy issues'.*

Maintaining Garden Depth

- *'A rear extension should not consume the entirety of a dwelling's private amenity space. A garden should be retained with a minimum depth of 10.5 metres measured from the extensions rear external wall to the property's rear boundary in length, in order to ensure adequate private outdoor space'.*

Light Angles

- *'A single storey extension should not encroach into an area measured by drawing a 45 degree angle from the nearest edge of a neighbours' window or door aperture'.*

Roofs

- *'The roof form above an extension will contribute to the appearance of the extension and the dwelling as a whole. A roof design that sits in harmony with the existing roof will usually be more acceptable. Roof extensions should not dominate by being too large and flat roofs are generally discouraged unless they are in harmony with the existing dwelling'.*

It also includes Crawley Borough Parking Standards and as such the minimum parking standards for this application are 2-3 car parking spaces. The minimum dimensions set out in 'Manual for Streets' for echelon or perpendicular car parking spaces are: 2.4 metres in width by 4.8 metres in length.

PLANNING CONSIDERATIONS:-

5.1 The main considerations in the determination of this application are:

- The impact on the design and character of the house, the street-scene and private garden space
- The impact on neighbouring amenity
- The impact on parking arrangements
- Water neutrality
- Others matters.

The impact on the design and character of the house, the street-scene and private garden space

5.2 The single storey rear extension effectively spans the full width of the house, being up to the shared boundary with no.91 and set in by 0.2 metres from the neighbour at no.95. The extension has a flat roof with a parapet wall along the side elevations and a projection of 3 metres. The extension is partially visible from Darleydale to the rear of the site.

- 5.3 The extension would be read in the context of the existing house and due to its single storey nature and flat roof design is of a suitable scale. Whilst it is partly visible from the street, the detached garage on the rear boundary obscures views of the extension. It is also noted that the adjoining house No. 91 Downland Drive to the north-east of the site has a single storey rear extension with mono pitch roof and large chimney stack. This neighbouring property is situated on higher ground level and, due to the staggered building line is set further back, and so their extension is closer to the highway and thus this extension is more prominent in the Darleydale streetscene.
- 5.4 Given the position of the extension on lower ground level, the separation distance of approx. 9 metres to the road, the presence of the detached garage and the approx. 1.8-2 metre high boundary fence on the rear boundary, it is not considered that the extension is an unacceptable addition to the house. The extension is single storey in nature and of a modest size and simple design with matching brickwork. It is noted that the side wall facing No. 95 Downland Drive is partly finished in brickwork with a small extent of blockwork. However as the blockwork is on the side wall facing away from the street and is mostly obscured by the fence, this is considered acceptable despite the expressed concern of the neighbour. As such, the extension appears as a subordinate and sympathetic addition and is not considered to have an adverse impact on the character and design of the house or the wider street scene.
- 5.5 The extension, retains a garden length of approx. 6.6 metres measured from the rear wall of the extension to the rear boundary with an overall retained garden area of approx. 35 sqm. The garden also contains a detached garage located along the north-east boundary. Although, the extension does not maintain a minimum garden length of 10.5m as required by the Urban Design SPD, it should be noted that the original garden length does not meet this requirement therefore, the extension is considered acceptable.
- 5.6 Overall, the development is considered acceptable in this regard and accords with Policies CH2 and CH3 of the Local Plan and the design guidance contained within the Urban Design SPD.

The impact on neighbouring amenity

- 5.7 The neighbours most impacted by the extension are No. 91 Downland Drive to the north-east and No.95 Downland Drive to the south-west of the site. Darleydale lies to the rear of the site and so, there are no adjoining neighbours to the west.
- 5.8 The single storey rear extension abuts the side wall and shared boundary with No. 91 Downland Drive to the north-east. The terrace has a staggered building line and so No. 91 is set back from and projects further back than the rear of the rest of the terrace. Therefore, the extension does not project past the rear wall of no.91 and so does not impact upon the rear windows. There are no windows on the side wall of no.91.
- 5.9 Given its limited projection, the presence of the neighbours' extension and the staggered building line, it is not considered that the extension has a significantly detrimental harmful impact on the occupants' amenities of No. 91 Downland Drive by way of being overbearing and overshadowing or cause a loss of light/outlook/privacy.
- 5.10 The single storey rear extension is set off the shared boundary with No. 95 Downland Drive to the south-west by 0.4m. This neighbouring property has no rear extension. A 45 degree angle measured from this neighbour's nearest ground floor window/door aperture shows that the extension encroaches into this area. Although the extension bisects the 45 degree line, given its modest projection of 3 metres, its position to the north-east, the existing 1.8m high boundary fence and its flat roof design, it is considered that the single storey rear extension has an acceptable relationship.

- 5.11 The nearest window/door apertures in No.95 serve a toilet and hallway which are not considered habitable rooms. Additionally, no windows are located on the side elevation of the extension facing onto this neighbouring property. As such, the extension is not considered to have a detrimental harmful impact on the occupants' amenities of No 95 Downland Drive by way of being overbearing or overshadowing or cause a loss of light/outlook/privacy.
- 5.12 Overall, the development is considered acceptable in this regard and accords with Policy CH3 of the Local Plan and the design guidance contained within the Urban Design SPD.

The impact on parking arrangements

- 5.13 The development would create an extended kitchen/dining area and an additional bedroom/office. The current use of the site is a single dwellinghouse. The minimum parking standards for a 3 plus bedroom property in this location is 2-3 off-street parking spaces. It is noted that the current parking arrangements, with only one garage space, do not meet the adopted standards. However, given that the development would create only 1 additional bedroom/office for this dwelling, it is not considered that it would generate a significant increase in the use of the site to give rise to significant parking issues in the locality. Therefore, the existing parking arrangements are considered satisfactory.

Water neutrality

- 5.14 The Local Planning Authority received a Position Statement from Natural England on 14 September 2021. It raised significant concerns about the impact of water abstraction in the Sussex North Water Resource Zone upon the Arun Valley's protected SAC, SPA and Ramsar sites. A screening assessment has now been undertaken, which concludes that the evidence shows that house extensions (excluding annexes and swimming pools) do not increase water usage and are therefore water neutral despite the expressed concern of the neighbour. The Local Planning Authority has therefore concluded that the existing extension does not adversely affect the integrity of the protected sites and does not conflict with the obligations under the Conservation of Habitats and Species Regulations 2017. Under these regulations the Local Planning Authority is the competent determining authority for water neutrality issues. There is no requirement to consult with neighbouring property owners and residents on this specific matter.

Other matters

- 5.15 Neighbouring residents have raised concerns regarding the use of the property as a house in multiple occupation (HMO), and the additional strain on existing parking spaces due to the increased use of the site. The application is for householder development for a single storey rear extension. It is not for a change of use of the house to an HMO. The LPA can only consider the application on the basis of what has been submitted and the current use of the premises. The application has to be assessed on its own merits.
- 5.16 It should be noted that the conversion of a single dwellinghouse to a small HMO by up to 6 occupants may be undertaken as permitted development and would not require planning permission (subject to a separate application under the Habitat Regulations demonstrating that the proposed use is water neutral). However, the conversion of a single dwellinghouse to a larger HMO of more than 6 occupants would constitute development requiring full planning permission for change of use and would be assessed at that time on its own merits.
- 5.17 As such, the effects on parking due to the increased use of the property as a HMO cannot, therefore, be considered as that is not the application before the LPA and the dwelling is not in use as an HMO.

- 5.18 Concern has been expressed regarding building works being started before planning permission has been obtained. Whilst the extension is at present unauthorised, the applicants have proceeded at their own risk and the extension could be subject to enforcement action if permission is not granted. There is nothing in planning law, procedures or guidance to prevent someone making a retrospective planning application, or to say that such an application in itself would be unacceptable as it is retrospective. The national Planning Practice Guidance states that '*such an application must be considered in the normal way*', that is, like any other application. This application has been submitted to regularise the situation. Thus a retrospective application is not unacceptable per se and planning permission should only be refused if material harm is being caused, such as visual impact or a detriment to residential amenities.
- 5.19 In relation to the lack of notifications to neighbouring residents, the LPA notified adjoining properties on the 6th Dec 2023 and gave a period of 21 days to comment on the application. This is in accordance with legislation and the Council's constitution.
- 5.20 Issues in relation to party wall agreements, obstructing property access and garages, building over manholes, impacts on water/sewage infrastructure, are not planning matters that can be controlled through planning powers. Party wall agreements and obstruction to property access/garages are a civil (private) matter between the relevant parties. Likewise, building over manholes is a matter for Building Control. Drainage is also covered by the Building Regulations and the impacts on water/sewage infrastructure is a matter for the relevant utility company.
- 5.21 The lack of current parking restrictions in the area is a matter for West Sussex County Council and/or the Crawley Borough Council Parking Services team. Similarly, Darleydale is a public highway which is available for vehicle use and parking by any persons. All vehicle users have an obligation to drive and park responsibly for the safety of residents and to allow emergency vehicles access.

CONCLUSIONS:-

- 6.1 In conclusion, it is considered that the extension is of an acceptable scale and design and is not an unsympathetic addition to the character and appearance of the house or the Darleydale street scene. The extension does not have a harmful impact on the amenities of the adjoining neighbours or parking arrangements and is water neutral. As a result, it is considered to accord with the relevant policies set out in the Crawley Borough Local Plan (2015- 2030), the emerging Crawley Borough Local Plan (2023–2040), the Urban Design Supplementary Planning Document (2016), and the relevant paragraphs of the NPPF (2023).

RECOMMENDATION RE: CR/2023/0658/FUL:-

PERMIT subject to the following condition:

1. The development hereby permitted shall not be carried out other than in accordance with the approved plans listed below:
(Drawing numbers to be added)
REASON: For the avoidance of doubt and in the interests of proper Planning.

NPPF Statement

In determining this planning application, the Local Planning Authority assessed the proposal against all material considerations and has worked with the applicant in a positive and proactive manner based on seeking solutions where possible and required, by:

- Liaising with the applicant/agent and discussing the proposal where considered appropriate and necessary in a timely manner during the course of the determination of the application.

- Seeking amended plans/additional information to address identified issues during the course of the application.

This decision has been taken in accordance with the requirement in the National Planning Policy Framework, as set out in article 35 of the Town and Country Planning (Development Management Procedure) Order 2015.



ArcGIS Web Map

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