

## Crawley Borough Council

### Planning Committee

Agenda for the **Planning Committee** which will be held in **Committee Room C - Town Hall**, on **Tuesday, 29 August 2023 at 7.30 pm**

Nightline Telephone No. 07881 500 227



**Chief Executive**

**Membership:**  
Councillors

S Pritchard (Chair), M Mwagale (Vice-Chair), Z Ali, J Bounds,  
J Charatan, K L Jaggard, K Khan, Y Khan, M Morris, S Mullins and  
A Nawaz

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Town Hall  
The Boulevard  
Crawley  
West Sussex  
RH10 1UZ

The order of business may change at the Chair's discretion

## Part A Business (Open to the Public)

	Ward	Pages
<b>1. Apologies for Absence</b>		
<b>2. Disclosures of Interest</b>		
In accordance with the Council's Code of Conduct, councillors are reminded that it is a requirement to declare interests where appropriate.		
<b>3. Lobbying Declarations</b>		
The Planning Code of Conduct requires any councillors who have been lobbied, received correspondence, or been approached by an interested party regarding any planning matter to declare this at the meeting at which the matter is being considered. Councillors should declare if they have been lobbied at this point in the meeting.		
<b>4. Minutes</b>		5 - 10
To approve as a correct record the minutes of the Planning Committee held on 24 July 2023.		
<b>5. Planning Application CR/2023/0391/FUL - 69 St Mary's Drive, Pound Hill, Crawley</b>	Pound Hill North & Forge Wood	11 - 20
To consider report PES/437a of the Head of Economy and Planning.		
<b>RECOMMENDATION</b> to REFUSE.		
<b>6. Objections to the Crawley Borough Council Tree Preservation Order - Trees at Kenilworth Close, Broadfield, Crawley - 05/2023</b>	Broadfield	21 - 28
To consider report PES/439 of the Head of Economy and Planning.		
<b>RECOMMENDATION</b> to CONFIRM.		

**7. Supplemental Agenda**

Any urgent item(s) complying with Section 100(B)  
of the Local Government Act 1972.

**With reference to planning applications, PLEASE NOTE:**

Background paper - Crawley Borough Local Plan 2015-2030

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## Crawley Borough Council

### Minutes of Planning Committee

Monday, 24 July 2023 at 7.30 pm

#### Councillors Present:

S Pritchard (Chair)

Z Ali, J Bounds, J Charatan, J Hart, K L Jaggard, K Khan, S Mullins and A Nawaz

#### Also in Attendance:

Councillors M Morris and J Russell

#### Officers Present:

Valerie Cheesman

Principal Planning Officer

Siraj Choudhury

Head of Governance, People & Performance

Jess Tamplin

Democratic Services Officer

Hamish Walke

Principal Planning Officer

#### Apologies for Absence:

Councillor M Mwagale

### 1. Disclosures of Interest

The following disclosures of interests were made:

<b>Councillor</b>	<b>Item and Minute</b>	<b>Type and Nature of Interest</b>
Councillor Ali	Planning Application CR/2023/0252/FUL – 9 Mill Road, Three Bridges (minute 5)	Personal interest – West Sussex County Councillor.
Councillor Nawaz	Planning Application CR/2023/0252/FUL – 9 Mill Road, Three Bridges (minute 5)	Personal interest – employed by the same company as a member of the public speaking in objection to the application.
Councillor Pritchard	Planning Application CR/2023/0252/FUL – 9 Mill Road, Three Bridges (minute 5)	Personal interest – employed by Govia Thameslink Railway.

## 2. Lobbying Declarations

The following lobbying declarations were made by councillors:

Councillor Nawaz had been lobbied but had expressed no view on TPO application 02/2023.

Councillor Pritchard had been lobbied but had expressed no view on application CR/2023/0252/FUL.

## 3. Minutes

The minutes of the meeting of the Planning Committee held on 3 July 2023 were approved as a correct record and signed by the Chair.

## 4. Objections to the Crawley Borough Council Tree Preservation Order - Oak Trees Located Between 92 Gales Drive and 139 Three Bridges Road - 02/2023

The Committee considered report [PES/432](#) of the Head of Economy and Planning which sought to determine whether to confirm the Tree Preservation Order (TPO) 02/2023 – oak trees located between 92 Gales Drive and 139 Three Bridges Road – with or without modification for continued protection, or not to confirm the TPO.

Councillors Ali, Bounds, Jaggard, Nawaz, and Pritchard declared they had visited the site.

The Principal Planning Officer (VC) provided a verbal summation of the application, which related to two large oak trees situated in a residential garden in Three Bridges. In February 2023 the trees were protected under a six month provisional TPO, which the Committee was now requested to confirm.

Mihir Desai, the householder of 139 Three Bridges Road, spoke in objection to the application. Matters raised included:

- Throughout the process of the making of the provisional TPO, the Local Planning Authority's communication had been inadequate. Administrative errors had caused delays and an officer's visit to the site occurred at a late stage in the process.
- There was no intention to fell the trees, but they did not have high amenity value and were not visible from the Three Bridges Road footpath. There were a number of trees along Three Bridges Road which did not seem to be subject to TPOs.
- The trees were not in good health – both had deadwood and thinning crowns, and one was leaning – this provoked worries about the safety of the garden as a family environment.

The Committee then considered the application, and in doing so, raised queries regarding the process of the making of a provisional TPO. In response to these queries, officers clarified that any person can contact the Local Planning Authority (LPA) to enquire about the status of a tree. Once the LPA has checked whether a tree is protected, it then makes checks on the tree's health and amenity value. If the LPA concludes that a tree is valuable and/or under threat of damage, felling, or over-pruning, a provisional TPO can be made for a duration of six months. The process was a reactive one based on the perceived risk to a tree; it was common for an LPA to make a provisional TPO following an enquiry from a member of the public.

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The following points were also raised as part of the discussion:

- The confirming of the TPO would not necessarily prevent works from being undertaken to the trees in the future, but an application to do so would need to be made to the LPA. The application would be assessed and advice sought from the Council's arboricultural officer prior to any felling, pruning or trimming being permitted. Any works that were subsequently agreed would be in line with good arboricultural practice.
- One of the trees had been significantly pruned prior to the making of the provisional TPO. The level of trimming was beyond what would normally be considered acceptable.
- Committee members considered the safety risks to residents using the garden in which the trees were situated and highlighted the importance of the LPA visiting the site and seeking to understand residents' concerns about the safety of the trees. Officers explained that no tree health issues or safety issues were identified upon the initial making of the TPO, but if concerns arose, an application for works could be made.
- The Committee queried the TPO process and the communication residents had received from the LPA, but it was noted that this could not be a consideration when deciding whether or not to confirm the TPO as the decision was to be made on the basis of the tree's merits and amenity value. In general, the matter of tree protection fell under the portfolio of the Cabinet Member for Planning and Economic Development.

The Committee then moved to a vote.

## **RESOLVED**

Confirm without modification.

### **5. Planning Application CR/2023/0252/FUL - 9 Mill Road, Three Bridges, Crawley**

The Committee considered report [PES/435b](#) of the Head of Economy and Planning which proposed as follows:

Erection of two storey side and rear extension and single storey rear extension (re-submission of application CR/2020/0054/FUL)

Councillors Ali, Bounds, Charatan, Jaggard, Nawaz, and Pritchard declared they had visited the site.

The Principal Planning Officer (VC) provided a verbal summation of the application, which sought permission for an extension to a house on Mill Road in Three Bridges. The application was identical to a previous application which was considered and permitted by the Committee in June 2020; the permission had since expired and so the application had been re-submitted. The Officer then gave details of the various relevant planning considerations as set out in the report.

Elena Andrei, a neighbour of the site, spoke in objection to the application. Matters raised included:

- The application had been submitted while a separate but similar application at the site was being determined under appeal by the Planning Inspectorate. There were concerns about the process and the applicant's intentions.
- Mill Road was very narrow with no pavements and there were concerns about the impact of the proposed development on parking and highway safety. It

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was not understood why West Sussex County Council (as highways authority) had not issued any objections to the application.

- The development proposed to increase the number of bedrooms in the property which implied an increase in occupancy, so it was unclear how the application was concluded to be water neutral.

The Committee then considered the application and in doing so requested that officers provide further detail about the layout and floorplan of the proposed development. Committee members raised concerns about the plans – including the addition of two bedrooms, more living space, and an additional front door – which they suggested alluded to the potential for the dwelling to be misused by being split into two separate residences. Officers confirmed that the application as submitted was for an extension and not for a separate dwelling and that permission, if granted, would be only for this use. If the LPA became aware that the property was subdivided and/or occupied as two separate dwellings in the future, or was otherwise not in accordance with the approved plans, this would be a breach of planning control and enforcement action could be taken.

Committee members discussed water usage at the site. As the proposed extension would increase the number of bedrooms and bathrooms in the property, queries were raised as to the reasons why the development was considered to be water neutral. Officers explained that the LPA had previously undertaken a screening assessment which had concluded that, on the whole, household extensions did not result in an increase in occupancy nor an increase in water usage. Natural England had agreed with the LPA's conclusions and this proposal was therefore considered to be water neutral.

A query was raised regarding the proposed nine metre separation distance between the extension and the existing properties on the opposite side of Mill Road. Officers clarified that the Urban Design SPD advised a minimum of 21 metres between rear windows but there was no minimum requirement in this case, and the relationship was deemed to be similar to those between existing neighbouring properties. Committee members remained concerned about the separation distance in this instance, particularly as it related to a front bedroom to front bedroom relationship, which was considered to have a significant impact on neighbouring amenity. The Committee felt that this was exacerbated by the overbearing size and mass of the extension which was not subservient to the existing dwelling. Officers clarified that the design, size and scale of the extension was the same as previously approved.

Throughout the debate Committee members raised significant concerns regarding parking provision, as the application proposed to remove two existing off-street parking spaces. The Committee believed that the loss of two spaces would have a significant impact on parking availability in the area, in which it was already difficult to park on-street, by displacing two vehicles. It was also suggested that the addition of two bedrooms to the property could lead to more vehicles being owned by the householders, increasing demand by a further one or two spaces, causing a total potential deficit of four spaces. The report set out that assessments had shown mixed levels of parking space availability in the area, with only one or two spaces free on Mill Road at any given time. Complaints from residents referred to a lack of parking in the area.

The Committee also raised queries relating to the flood risk at the site and access by construction vehicles.

During the discussion a Committee member proposed a motion that the application be refused, which was moved and seconded. The Committee discussed the reasons for the motion to refuse and in doing so revisited key points from its discussion. It was

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agreed that the most significant concern about the application was the loss of parking provision and the effect on the already pressured parking availability in the local area, which was not considered to be policy compliant. The Committee also had significant concerns about overlooking and the minimal window to window distance between the proposed development and the neighbouring houses, particularly given the narrow nature of Mill Road.

The Head of Governance, People & Performance advised on Committee procedure and on the possible outcomes if the Committee voted to refuse the application.

A vote was taken on the motion to refuse the application which was passed unanimously.

## **RESOLVED**

Refuse for the following reasons:

1. The development by reason of its lack of parking would not meet the operational needs of the proposed resultant house and would result in an adverse impact on the on-street parking in the area, increasing the hazards to users of the highway contrary to policies CH3 and IN4 of the Crawley Borough Local Plan 2015-30 and the guidance in the adopted Urban Design Supplementary Document.
2. The proposed extension, by reason of its proximity to No. 12 Mill Road and the limited window to window distance, would cause a detrimental impact on neighbouring amenity contrary to Policy CH3 of the Crawley Borough Local Plan 2015-2030.

## **6. Planning Application CR/2023/0244/FUL - 17 Shaws Road, Northgate, Crawley**

The Committee considered report [PES/435a](#) of the Head of Economy and Planning which proposed as follows:

Single-storey flat roof side extension.

Councillors Ali and Bounds declared they had visited the site.

The Principal Planning Officer (HW) provided a verbal summation of the application, which sought permission for the erection of an extension to a residential property to replace the existing store structure. The Officer then gave details of the various relevant planning considerations as set out in the report.

The Committee then considered the application and moved to a vote.

## **RESOLVED**

Permit subject to the conditions set out in report PES/435a.

## **Closure of Meeting**

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 9.44 pm.

**S Pritchard (Chair)**

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# Agenda Item 5

**CRAWLEY BOROUGH COUNCIL**  
PLANNING COMMITTEE - 29 August 2023  
REPORT NO: PES/437(a)

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**REFERENCE NO: CR/2023/0391/FUL**

**LOCATION:** [69 ST MARY'S DRIVE, POUND HILL, CRAWLEY](#)  
**WARD:** Pound Hill North & Forge Wood  
**PROPOSAL:** RETROSPECTIVE SINGLE STOREY REAR EXTENSION AND LOFT CONVERSION WITH HIP TO GABLE AND DORMER EXTENSIONS INCLUDING RETENTION OF ALTERATIONS TO WINDOWS, DOORS, ROOF TILES, TILE HANGING (AMENDED DESCRIPTION)

**TARGET DECISION DATE:** 29 August 2023

**CASE OFFICER:** Miss J Banks

**APPLICANT'S NAME:** Mr J Healey

**AGENT'S NAME:**

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## **PLANS & DRAWINGS CONSIDERED:-**

<b>Drawing Number</b>	<b>Revision</b>	<b>Drawing Title</b>
JH 23 01		Location Plan Site Plan & Photos 1 1250 1 200 A2
JH 23 02		Original House Plans Sections And Elevations 1 100 A2
JH 23 03		As Built Plans Sections & Elevations 1 100 A2

## **CONSULTEE NOTIFICATIONS & RESPONSES:-**

None.

## **NEIGHBOUR NOTIFICATIONS:-**

49, 52, 54, 65, 67, 71, 73, 75, and 79 St Mary's Drive;  
4 and 7 Byron Close.

## **RESPONSES RECEIVED:-**

9 responses have been received in support of the application, from the properties at 49, 52, 54, 65, 73, 75, 79 St Mary's Drive and 4 and 7 Byron Close referring to the design and materials used on the subject property.

The immediately adjacent properties of 67 and 71 St Mary's Drive have submitted detailed objections to the application. Issues cited are:

- The size of the dormer and associated windows are too big and leads to overlooking, loss of privacy and loss of light
- The materials and finish of the house
- Encroachment on the boundary at the roof join
- Not a cohesive finish to the dormer. Poor design in comparison with neighbouring examples
- Disruption caused during construction
- Energy efficiency
- Unfinished boundary wall
- Felling of trees in the rear garden.

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## **REASON FOR REPORTING TO COMMITTEE:-**

At the request of Councillor Kevan McCarthy, and that more than 4 letters of support have been received while the officer recommendation is to refuse.

## **THE APPLICATION SITE:-**

- 1.1 The application site contains a semi-detached bungalow located on the west side of St. Mary's Drive, in the neighbourhood of Pound Hill. The property is brick built with full white rendering. It has a pitched, tiled roof with two front roof lights. Originally the property had a fully hipped roof with small gable on the side roof slope.
- 1.2 Works have recently been undertaken to the dwelling without planning permission – these comprise a single storey rear extension and a loft conversion with a hip to gable extension and a rear dormer. In addition, the red/brown roof tiles have been replaced with grey tiles. The rear dormer, side window and front roof lights have grey framed windows while the rear extension has white framed windows.
- 1.3 To the front of the property is an area of hardstanding with space for approximately 2 vehicles. A shared driveway (with no.67) runs down the southern side elevation and leads to a long, narrow rear garden which is bounded by an approx. 1.8m closeboarded fence. The rear garden is 40m in length and adjoins the railway line to the west. It contains a timber canopy structure towards the eastern end and a large brick-built outbuilding at the western end. The dwelling lies in flood zone 1 with the very western extent of the garden furthest from the house being within flood zone 2.
- 1.4 The property is in the Sussex North Water Resource Zone supplied by Southern Water.

## **THE PROPOSED DEVELOPMENT:-**

- 2.1 Retrospective planning permission is sought for the existing single storey rear extension and the loft conversion with hip to gable extension and rear dormer that has been carried out as well as the replacement roof tiles. Permission is also sought for the changes made to exterior rendering and window alterations.
- 2.2 The proposals were initially submitted under a certificate of lawfulness application (CR/2021/0602/192); however this application was never actioned due to being invalid. A subsequent enforcement enquiry (ENF/2021/0283) found that the works had already begun and required planning permission as they did not meet the permitted development requirements: the materials did not match the original dwellinghouse, the rear extension had been constructed above the eaves of the original house, adequate distance was not left between the dormer and the original eaves, and the dormer was erected partly on top of the rear extension. In addition, the rear extension was not in accordance with the plans submitted under CR/2019/0074/HPA, which proposed a lower height.
- 2.3 The single storey rear extension element projects out 6m from the rear elevation and stretches the full width of the house at 7m. It has a slightly sloping flat roof design with an eaves height of 3m and a maximum height of 3.1m. Internally it is a sitting/dining room, with patio doors and a window in the rear elevation and a window on the side elevation, all in white UPVC.
- 2.4 The hip to gable extension added a volume of 19.37 cubic metres to the roof. This extended the southern slope of the roof. It has been finished in grey slate tiles, with matching grey tile hanging on the gable end and a window with dark grey 'anthracite' frames. It also includes two dark grey 'anthracite' roof lights on the front facing slope.
- 2.5 The rear dormer extension has a volume of 34.44 cubic metres which, together with the hip to gable volume, creates a total additional roof space of 53.81 cubic metres. The dormer projects out from the roof by 4.1m and has a width of 7m. It has a flat roof design with a height of 2.4m. There are two rear facing windows made from dark grey 'anthracite' UPVC.



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- 2.6 The front elevation of the property has been rendered in white to match the rest of the dwelling. The window frames on the front elevation are white UPVC while the front door is anthracite coloured UPVC.
- 2.7 This application follows the refusal of CR/2022/0497/FUL. The two schemes are identical, with the only changes being that the proposed alterations to the render/windows on the front of the dwelling are no longer proposed, but existing.

## **PLANNING HISTORY:-**

3.1	CR/2000/0538/FUL	ERECTION OF CAR PORT	PERMIT
	CR/2019/0074/HPA	SINGLE STOREY REAR EXTENSION	PRIOR APPROVAL NOT REQUIRED
	(The current rear extension was not built in accordance with the plans approved under CR/2019/0074/HPA)		
	CR/2022/0497/FUL	RETROSPECTIVE SINGLE STOREY REAR EXTENSION AND LOFT CONVERSION WITH HIP TO GABLE AND DORMER EXTENSIONS WITH ALTERATIONS TO RESIDENTIAL PROPERTY	REFUSED on the grounds of unsympathetic materials and windows used.

## **PLANNING POLICY:-**

### 4.1 National Planning Policy Framework (as revised on 20 July 2021)

- Section 2 – Achieving sustainable development. This section states that achieving sustainable development means that the planning system has three overarching objectives: an economic objective – to help build a strong, responsive and competitive economy, a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations, and an environmental objective to contribute to protecting and enhancing our natural, built and historic environment. This includes making effective use of land and helping to improve biodiversity.
- Section 12 – Achieving well-designed places. The creation of high quality 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) (adopted December 2015)

The relevant policies include:

- 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 seeks to assist in the creation, retention or enhancement of successful places.
- Policy CH3: Normal Requirements of All New Development states all proposals for development will be required to make a positive contribution to the area; be of a high quality urban design; provide and retain a good standard of amenity for all nearby and future occupants of land and buildings; be able to meet its own operational requirements necessary for the safe and proper use of the site; retain existing individual or groups of trees; incorporate “Secure by Design” principles and demonstrate how the Building for Life 12 criteria would be delivered.

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## 4.3 Draft Crawley Borough Local Plan 2024-2040

The Local Plan Review 2024-2040 was approved for Regulation 19 consultation by Full Council on 22 February 2023. Public consultation has now concluded and the Local Plan was submitted for examination on 31 July. Appropriate weight should therefore be given to the following policies:

- 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 DD2: Inclusive Design
- Policy SDC1: Sustainable Design and Construction

## 4.4 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.'*

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## Light Angles

- *A single storey extension should not encroach into an area measured by drawing a 45° angle from the nearest edge of a neighbour's window or door aperture*
- *'A two storey extension should not encroach into an area measured by drawing a 60 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'.*

## **PLANNING CONSIDERATIONS:-**

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

- The impact of the design and appearance on the dwelling, street scene and wider area character
- The impact on the amenities of neighbouring properties.
- Other matters subject to objection
- Water neutrality

The impact of the design and appearance on the dwelling, street scene and wider area character

5.2 St. Mary's Drive is a long road which consists of a wide variety of housing types. No.69 occupies a site to the west of the highway, in a row of approximately 20 similar semi-detached bungalows. Opposite this row is a stretch of larger, detached and semi-detached properties. Many of the bungalows in the row have undergone works, with dormer extensions being seen on a number of them, including both properties directly adjacent to the application site (nos. 67 and 71). Many also have hip-to-gable extensions, including no.67, though no.71 has maintained the original hipped roof. In this regard, the additions to the roof in terms of design or volume are not out of character with the varied street scene or character of the wider area. Similarly, many of the bungalows in the row also have single storey rear extensions.

5.3 The side elevations of the dormer, hip-to-gable and single storey rear extensions are visible from the street view of St. Mary's Drive as one approaches from the south, though they are no more visible than the same developments seen on adjacent properties. The rear of the property has a long garden which backs on to the railway tracks, so the single storey rear and dormer extensions are therefore not visible from any other streets. A garden depth of approximately 40m is also maintained. The mass of these additions therefore cause no significant detriment to the street scene or wider area character by way of size and massing and do not contradict guidance outlined in the Urban Design SPD.

5.4 With regard to the impact on the existing dwelling, the dormer extension is of a considerable size. With a width of 7m, it does contradict the recommendations set out in the Urban Design SPD that dormers should take up no more than half the width of the original dwelling. However, many other nearby properties also have dormer extensions of considerable width, meaning it is not so large that it is out of keeping with other dormers seen nearby, or overwhelming to the existing dwelling. It would therefore be contradictory of the Council to refuse on such grounds.

5.5 However, the materials used in the finish of the works are not considered appropriate to this semi-detached dwelling or the surrounding area. In particular, the grey tiles on the main roof (both front and back roof slopes) contrast significantly with the other property in the pair (no.71) which has maintained the original brown coloured tiling seen on the majority of houses on St. Mary's Drive. The grey tiling unbalances the appearance of the semi-detached pair of dwellings.

5.6 Grey tile hanging has also been applied to the gable end of the roof space on the side elevation from the ridge down to where it meets the eaves. This is considered an unattractive and unsympathetic addition to the street scene and is an incongruous feature when compared to the adjacent properties.

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Continuing the render up the gable end would be more appropriate. This matter was discussed with the applicant prior to the submission of this application, but the tile hanging on the gable end remains as part of this application.

- 5.7 The existing anthracite UPVC windows seen on the rear dormer are not considered appropriate to the dwelling or surrounding area. They do not match the white windows seen on the rest of the house or those adjacent to it and create a dark and unattractive look to the dormer when viewed from the rear. The anthracite coloured roof windows and door for the front elevation are also considered unattractive and out of keeping with the surrounding street scene. As they are on the front elevation they are especially conspicuous in the street scene. Anthracite doors/windows are thus deemed wholly inappropriate at this site and go against guidance set out in the Urban Design SPD.
- 5.8 The white render seen on the front elevation matches that already seen on the single storey rear extension and is not uncommon in the street. Light coloured render was originally used on this dwelling. The white render is not unacceptable on its own, but it is often coupled with the red/brown roof tiling and white windows. The combination of white render with the grey tiles and proposed anthracite grey windows and door give the house overall a highly contrasting appearance to those in the rest of the row, especially its attached neighbour at no.71 and thus is considered to have a detrimental impact on the character of the street. The white UPVC frames of the ground floor windows also add to the incongruous contrast with the anthracite grey framed windows that have been installed and the grey front door. Furthermore, the retention of the white window frames at the front of the property do not address the unacceptable visual impact of the unsympathetic grey roof tiles, especially as this property is semi-detached and the attached dwelling has retained its brown/red roof tiling.
- 5.9 The size and massing of the extensions built do not cause significant negative impact to the existing dwellinghouse or to the street scene and therefore are considered to accord with the policies outlined in the NPPF (2021), the relevant Crawley Borough Local Plan policies and the Urban Design SPD (2016).
- 5.10 However, the combination of the materials used in the resultant dwelling, namely the roof tiles, gable end tile hanging and anthracite windows, white rendering, dormer tile hanging and anthracite windows, the rear extension and front elevation windows and the front door are not deemed to be appropriate to the house or street and has created an unattractive and unbalanced appearance, particularly when viewed with the attached dwelling at no.71.
- 5.11 The proposal is thus contrary to the policies outlined in the NPPF (2021), the relevant Crawley Borough Local Plan policies and the Urban Design SPD (2016).

## The impact on the amenities of neighbouring properties

- 5.12 The hip-to-gable extension is built on the roof slope facing no.67; however, it is not considered to cause any harm to its amenities as it is not over dominant nor overshadowing. There is a window on the gable end which serves the first floor landing. This is opposite the side elevation of no.67 but is obscured glazed and non-opening and so it is not considered to cause issues of privacy. No.67 also has a matching hip-to-gable extension. The existing roof screens the hip-to-gable element from no.71.
- 5.13 A number of representations were raised in relation to the rear dormer, namely that it is large and causes overlooking and loss of privacy to neighbouring properties. It is noted that the rear windows are large, but rear dormers could be permissible under permitted development and a number of other dwellings in the street have rear dormers, erected under these rights. However, in this case, the dormer requires planning permission and so this aspect has been assessed. Given the presence of other dormers, the one at no.69 is not deemed to be contributing to overlooking or loss of privacy any more than others in the row. The adjoining properties also have dormer extensions which overlook the garden of no.69 similar to how the dormer at no.69 overlooks the gardens of the adjoining properties. Nos. 75 and 73 also have similar sized dormers to that of no.69.
- 5.14 The single storey rear extension projects out by 6m which, while a significant addition to the back of the house, does not project out as far as either rear extension of the neighbouring properties. The extension of no.67 and the conservatory of no.71 both extend out further, and thus are not affected by the 45 degree rule or issues of overlooking. At 3m, the height of the extension is higher than the

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adjacent conservatory, and thus does cause some loss of light. This is exacerbated by the extension being south of the conservatory. However as the extension does not project as far out as those of the adjoining properties, it is considered on balance that the extension does not result in significant harm to the amenity of neighbouring occupiers. The objection from no.71 expresses concern about the loss of light to their study, which is served by a roof light located close to the boundary with no.69. The dormer can be seen from this roof light but only when viewed from particular angles in the room. It is not considered that the dormer is so obstructive that it would cause significant detriment to the amenities of no.71, particular given the size and position of the roof light.

- 5.15 The development is shown to be wholly within the boundary of no.69.
- 5.16 The render and windows on the front elevations would not have an effect on the amenities of neighbouring properties beyond affecting the street view and character as mentioned above.
- 5.17 In terms of the impact on the amenities of neighbouring properties, the proposed development is considered to accord with the policies outlined in the NPPF (2021), the relevant Crawley Borough Local Plan policies and the Urban Design SPD (2016).

## Other matters raised by objectors

- 5.18 Disruption caused during construction:  
Complaints were made regarding the noise levels and conduct of construction workers during the building phase. Noise complaints are normally a matter for the Environmental Health division and in this case as the works are retrospective this matter is not a valid planning consideration.
- 5.19 Disruption caused by humming noise:  
Complaint was made regarding noise coming from the bathroom of no.69. As agreed in the objection statement, this is not an issue for the planning department to consider, nor is the internal configuration of bathrooms.
- 5.20 Boundary issues:  
A complaint was made regarding the removal of a boundary hedge in the front curtilage. According to the applicant, this was done in agreement with the previous occupier of no.71. This is a civil matter to be resolved between the occupiers. Complaints have also been made about the fencing in the front garden, which has alleged to be damaged by builders. Again this is a private property matter.
- 5.21 A complaint was made regarding the unfinished appearance of the side elevation of the rear extension as viewed from the conservatory of no.71. The current wall is block work, but it is proposed that it is rendered as per the rest of the property.
- 5.22 Felling of trees:  
A complaint was made about the felling of trees in the rear garden in 2018/2019. As acknowledged in the objection, these trees were not subject to TPOs. The felling of these trees is not relevant to this application and there has been no breach of planning control in this regard.
- 5.23 Access gates to rear gardens:  
A complaint was made regarding the bringing forward of the rear gate at no.69 to be further along the shared driveway with no.67. The boundary fence post has not been moved and so no encroachment has occurred, as the gate is wholly within the curtilage of no.69. In any event the extension of no.67 will have restricted access to their own rear gate too.

## Water Neutrality

- 5.24 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. The Local Planning Authority has therefore concluded that the rear extension, dormer and hip-to-gable extensions, and the render and front alterations do not adversely affect the integrity

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of the protected sites and would not conflict with the obligations under the Conservation of Habitats and Species Regulations 2017.

## **CONCLUSIONS:-**

6.1 While the size and massing of the rear extension, dormer and hip-to-gable extensions as built are not considered to cause significant detriment to the dwellinghouse, neighbouring properties or the surrounding area, the materials used are considered to be wholly inappropriate. The use of grey tiles, particularly those extending down over the gable end and on the front facing roof slope, coupled with dark anthracite windows and white render are unsympathetic to the design of the existing house, those used on the attached dwelling at no.71 and to the character of the wider street scene. The development is therefore not compliant with policies CH2 and CH3 of the Local Plan (2015-2030), section 12 of the NPPF (2021), and paragraphs 3.5 and 3.9 of the Urban Design SPD (2016) and so is recommended for refusal.

## **RECOMMENDATION RE: CR/2023/0391/FUL:-**

**REFUSE** for the following reason:

1. The materials and windows used in the construction of the rear dormer, the hip to gable enlargement and the replacement roof tiles, and the alterations to the front elevation, are unsympathetic and inappropriate for the dwellinghouse and the street scene. The existing exterior appearance is of detriment to the character of the area. The proposal is therefore contrary to Policies CH2 and CH3 of the Crawley Borough Local Plan 2015 - 2030, the Urban Design Supplementary Planning Document and the relevant paragraphs of the National Planning Policy Framework (2021).

## **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:

- Providing advice in a timely and manner through pre-application discussions/correspondence.
- Informing the applicant of identified issues that are so fundamental that it has not been possible to negotiate a satisfactory way forward due to the harm that has been caused.
- Providing advice on the refusal of the application to solutions that would provide a satisfactory way forward in any subsequently submitted 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.

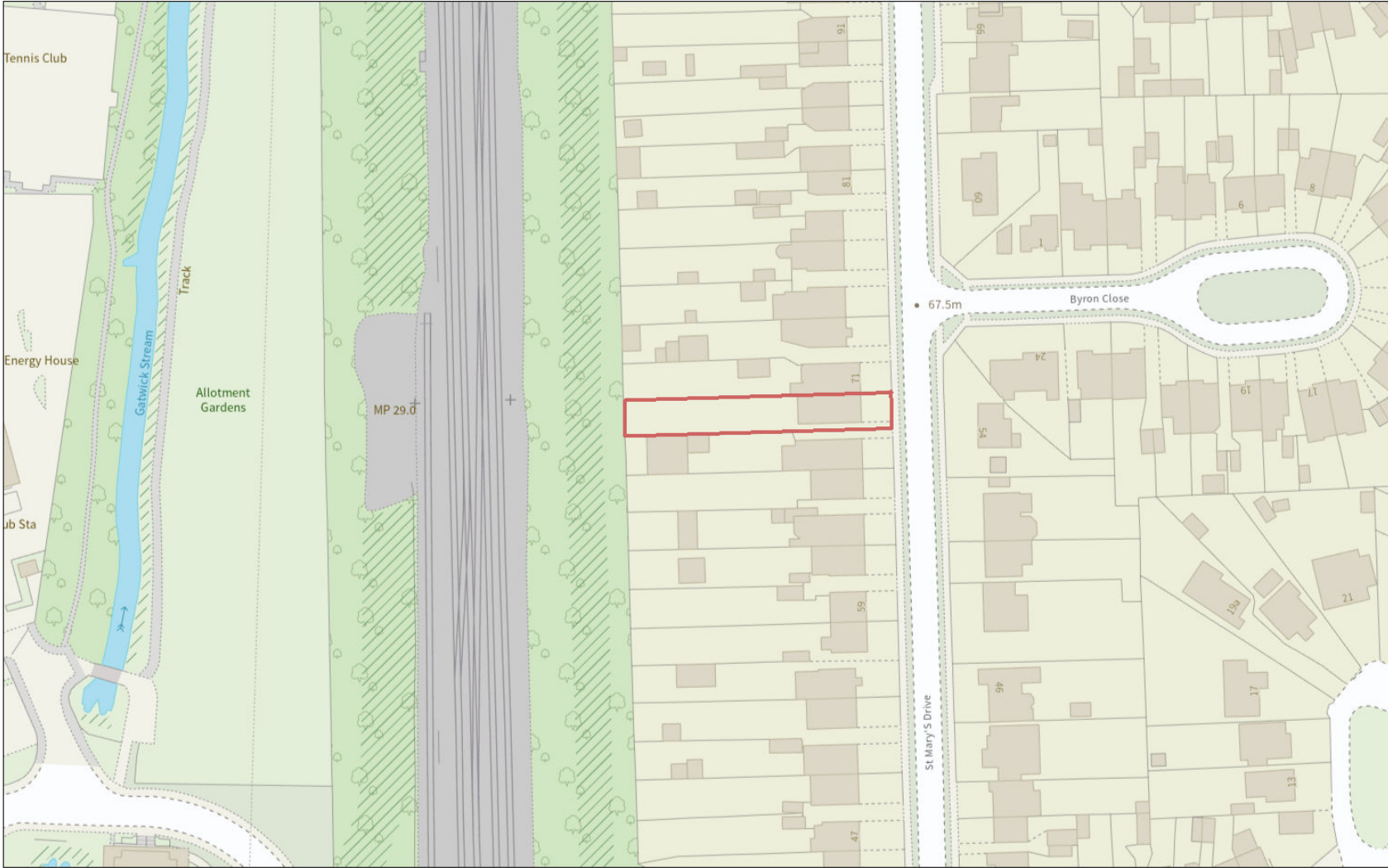


ArcGIS Web Map



Crawley Borough Council  
Town Hall, The Boulevard,  
Crawley, West Sussex,  
RH10 1UZ  
Tel: 01293 438000

1:827



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# Agenda Item 6

## Crawley Borough Council

### Report to Planning Committee

29 August 2023

## Objections to the Crawley Borough Council Tree Preservation Order Trees At Kenilworth Close - 05/2023

Report of the Head of Economy and Planning –*PES/439*

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### 1. Purpose

- 1.1 This report presents the “Trees At Kenilworth Close - 05/2023” Tree Preservation Order. The Committee is requested to consider the objection received and determine whether to confirm the Tree Preservation Order with or without modification for continued protection, or not to confirm the Tree Preservation Order.

### 2. Recommendation

- 2.1 It is recommended that the Committee **CONFIRMS** the Tree Preservation Order for “Trees At Kenilworth Close - 05/2023” without modification.

### 3. Reasons for the Recommendation

- 3.1 The trees have good shape and form.  
The trees are considered to have good landscape amenity value in the surrounding area.  
The trees have been identified as having significant long term potential.  
The trees are clearly visible from the public highway and have significant amenity value.

### 4. Background

- 4.1 The trees the subject of this order are a group consisting of 6 mature oak trees and 1 individual early mature lime tree located in Kenilworth Close, Broadfield adjacent to the small car park area that serves numbers 21 - 36 Kenilworth Close. One of the oaks is located within the garden area of 22 Kenilworth Close. The trees are a large and visually prominent tree belt which serves to soften the parking areas and provide a landscaped green edge with the street scene. The trees are clearly visible from nearby Sandringham Road, Fulham Close, Buchans Lawn and Seymour Road.
- 4.2 An email was received from the owner of 22 Kenilworth Close (the objector) enquiring as to the TPO status of an oak tree within the garden as well as the other trees within the car park area which complete the group. A desktop review revealed that the three trees at the westernmost end of the group were already protected (Kenilworth Close No. 1, reference: 16.13.17 Tree Preservation Order) however the remaining 6 oak trees, as well as the individual lime tree were not. A site visit confirmed that the trees are a prominent feature which make a strong contribution to the visual amenity and character of the area, and the decision was made to serve a TPO on the trees so as to safeguard their future.

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- 4.3 The provisional Tree Preservation Order was made on 28<sup>th</sup> March 2023 and remains provisionally in force for a period of six months until 28<sup>th</sup> September 2023. If the Order is confirmed the protection becomes permanent, if the Order is not confirmed it ceases to have effect.

## 5. Notification/ Consultation/Representation

- 5.1 A Council must, as soon as practicable after making a TPO and before it is confirmed, serve a copy of the order and a prescribed notice on persons interested in the land affected by the TPO. The Council therefore served a copy of the provisional TPO and notice on all the owners/occupiers of the land and other interested parties as set out below.

### Owners and occupiers of the land:

- Owner/Occupier, 22 Kenilworth Close, Crawley, RH11 9PY
- Kenilworth Management Company Limited, 7 High Street, Crawley, RH10 1BA

### Owners and occupiers of adjoining land affected by the TPO:

- Owner/Occupier, 7 Kenilworth Close, Broadfield, Crawley, RH11 9PY
- Owner/Occupier, 8 Kenilworth Close, Broadfield, Crawley, RH11 9PY
- Owner/Occupier, 9 Kenilworth Close, Broadfield, Crawley, RH11 9PY
- Owner/Occupier, 10 Kenilworth Close, Broadfield, Crawley, RH11 9PY
- Owner/Occupier, 20 Kenilworth Close, Broadfield, Crawley, RH11 9PY
- Owner/Occupier, 21 Kenilworth Close, Broadfield, Crawley, RH11 9PY
- Owner/Occupier, 23 Kenilworth Close, Broadfield, Crawley, RH11 9PY
- Owner/Occupier, 24 Kenilworth Close, Broadfield, Crawley, RH11 9PY
- Owner/Occupier, 25 Kenilworth Close, Broadfield, Crawley, RH11 9PY
- Owner/Occupier, 26 Kenilworth Close, Broadfield, Crawley, RH11 9PY
- Owner/Occupier, 27 Kenilworth Close, Broadfield, Crawley, RH11 9PY
- Owner/Occupier, 28 Kenilworth Close, Broadfield, Crawley, RH11 9PY
- Owner/Occupier, 29 Kenilworth Close, Broadfield, Crawley, RH11 9PY
- Owner/Occupier, 30 Kenilworth Close, Broadfield, Crawley, RH11 9PY
- Owner/Occupier, 31 Kenilworth Close, Broadfield, Crawley, RH11 9PY

- 5.2 The Council is required to consider any objections or representations made within 28 days of the date of the Order. The notification period for objections ended on 2nd May 2023. Confirmation of the Order is required within six months of the date upon which the Order was provisionally made.

- 5.3 One representation has been received from the owner of 22 Kenilworth Close objecting to the TPO mainly relating to the tree within the garden of 22 Kenilworth Close. A copy of the letter is provided within this report at **Appendix A**.

- 5.4 A summary of the comments made to the initial TPO notification are set out below.

### Seasonal And Other Nuisance

- The issues caused with this tree on our property is continuous with gutters being blocked by leaf litter, twigs and branches which is costing us to keep having them cleaned out to allow water to flow away effectively.
- The gutter has been broken by the sheer amount of litter from the tree or a stick/branch falling and damaging the gutter, this damaged the down pipe leading to quite a bit of flooding in the garden.
- We have a lot of moss growing on our roof tiles which we had cleaned off just over a year ago but has now grown back and this could be caused by the litter off the tree and the reduced light the roof gets. This could also be the cause of mould and dampness in our loft.

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## Safety

- This tree is causing us continuous issues with our property and a risk to my pregnant partner. She was hit on the back from a stick falling out of the tree where there are so many dead bits in the tree.
- My partner's mother had a slip in the car park where the leaf debris gets so bad and slippery when wet, it is a major hazard. My partner's mother's injury resulted in a broken ankle and bad bruising on her leg.
- We do have a road sweeper which comes into the close which is not very often but it does not even come into the parking area.

## **6. Amenity Value/Assessment**

- 6.1 The amenity value of these trees has already been explained in paragraphs 4.1 and 4.2 of this report.
- 6.2 In relation to the nuisance caused by the trees, trees do drop leaves and debris, particularly in the autumn. This is a normal part of a tree's life cycle and is something that all trees do and is to be expected. This is considered to be a 'seasonal nuisance', being a normal part of living with trees in our environment. For this reason, the dropping of leaves and other debris is not considered a valid or justifiable reason not to protect the trees which offer considerable amenity value and make an important contribution to the character of the area.
- 6.3 Deadwood can be removed from protected trees without the need for planning consent, therefore the imposition of a TPO poses no constraint to this operation. The branches in the photos provided by the objector are dead and could therefore have been removed. Oak generates a fair amount of deadwood as part of their normal life cycle and this should be removed periodically by the owner of the tree in order to maintain the tree in a safe condition. The imposition of a TPO requires the consent of the Local Planning Authority to works only to live tree growth.
- 6.4 Moss tends to thrive in damp shaded areas and these conditions can be caused by tree canopies that excessively overhang roofs, causing shade and preventing the roof from drying out. The imposition of a TPO does not, however, prevent the undertaking of works that are required and justified and these could include a proportionate level of pruning works to increase light and allow adequate clearance from buildings etc.
- 6.5 The landowner has a duty of care to clean up leaves where such leaves could pose a risk to the public, this is a legal duty. While West Sussex County Council has adopted the road leading through Kenilworth Close and maintains it to some degree (this presumably includes road sweeping), the car park area appears to be owned by the Kenilworth Management Company Ltd and it is assumed the tree within the garden area is the responsibility of the occupier. It is therefore ultimately the responsibility of the landowners to maintain the trees in a safe manner. Maintaining public areas in a safe condition is part of a responsible landowner's obligations and part of this duty is to remove falling leaves when said leaves are posing a slip hazard. To clarify it is the responsibility of the landowner on whose land the leaves have fallen, not the owner of the tree from which the leaves came.

## **7. Implications**

### *Human Rights Act 1998*

- 7.1 The referral of this matter to the Planning Committee is in accordance with Article 6 of the Human Rights Act 1998, the right to a fair hearing, which is an absolute right. Those persons who made representations in objection to the TPO are entitled to attend the Planning Committee meeting and to make any further verbal representations at the meeting. The Planning Committee must give full consideration to any such representations.

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- 7.2 Article 8 and Article 1 of the First Protocol – the right to respect for private/family life and the protection of property – also needs to be considered. These are qualified rights and can only be interfered with in accordance with the law and if necessary to control the use of property in accordance with the law and if necessary to control the use of property in accordance with the general interest. The recommended continued protection of these trees by confirming the TPO is considered to be in the general interest of the community and is considered to be both proportionate and justified.

## *Planning legislation*

- 7.3 The law relevant to the protection of trees is set out in Part VIII of the Town and Country Planning Act 1990 as amended and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

## **8. Background Papers**

- 8.1 The Crawley Borough Council Tree Preservation Order Trees At Kenilworth Close - 05/2023

Contact Officer: Russell Spurrell  
Direct Line: 01293 438033  
Email: [russell.spurrell@crawley.gov.uk](mailto:russell.spurrell@crawley.gov.uk)

# Agenda Item 6

## SCHEDULE

### SPECIFICATION OF TREES

#### Trees Specified Individually (encircled in black on the map)

Reference on Map	Description	Situation
T1	Lime spp	Grid Ref: TQ-25890-34965

#### Groups of Trees (within a broken black line on the map)

Reference on Map	Description	Situation
G1	English Oak (5)	Grid Ref: TQ-25871-34977

#### Woodlands (within a continuous black line on the map)

Reference on Map	Description	Situation
NONE		

#### Reference to an Area (within a dotted black line on the map)

Reference on Map	Description	Situation
NONE		



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**From:** [REDACTED]@gmail.com>  
**Sent:** 24 April 2023 12:10  
**To:** Trees, Protected <ProtectedTrees@crawley.gov.uk>  
**Subject:** Ref 05/2023 ATO. Russel Spurrell

This email is addressed to Russel Spurrell regarding a TPO on the trees outside 22 Kenilworth close.

Hi there I'm writing to you today with an objection of the TPO being placed on the tree outside of 22 Kenilworth close. On the map you have provided the reference is G1 which are English Oak trees. I only mainly have an objection for the tree which is actually in our garden. This tree is causing us continuous issues with our property and a risk to my pregnant partner and I.

Firstly, the issues caused by this tree on our property is continuous with gutters being blocked by leaf litter, twigs and branches which is costing us to keep having them cleaned out to allow water to flow away effectively. The gutter has been broken by the sheer amount of litter from the tree or a stick/branch falling and damaging the gutter, this damaged the down pipe which lead to quite a lot of flooding in our garden. This incurred more money being spent to repair this on top of the regular gutter clean we pay out for. Secondly, we have alot of moss growing on our roof tiles which we have had cleared when we moved in just over a year ago but it has now all grown back and this could be caused by the litter off the tree and the reduced light the roof gets. This could also be a cause of mould and dampness in our loft which we need to get sorted as soon as possible.

Now, the risk to us is due to the fact my partner who is pregnant was out in the garden a couple of weeks ago gardening and she was hit on the back from a stick falling out of the tree where there are so many dead bits on the tree, although it was only a fairly small branch and did not cause any issue apart from a sore back this could of been very serious considering the size of a branch which fell into our garden a few weeks back in the strong winds. Also as she is pregnant this could have caused major problems. I have included a few pictures of sticks and the very large branch which fell into our garden.

Prior to this in January my partners mother had a slip in the car park where the leaf debris gets so bad and slippery when wet it is a major hazard especially with young children and the elderly also in surrounding houses. My partners mother's injury resulted in a broken ankle with bad bruising on her leg. We do have a roadsweeper which comes into the close which is not very often but it does not even come into the parking area where this leaf litter causes such a big issue. Maybe if it were to come into the parking area the issue wouldn't be so bad. These trees are so big and the amount of leaf litter that they produce is a hazard and a nuisance.

Look foward to hearing back from you.

[REDACTED]

Homeowner of 22 Kenilworth close



