

REFERENCE NO: CR/2016/0955/FUL

LOCATION: [27 FORGE ROAD, THREE BRIDGES, CRAWLEY](#)
WARD: Three Bridges
PROPOSAL: CHANGE OF USE OF AMENITY LAND TO PRIVATE GARDEN AND THE ERECTION OF SINGLE STOREY SIDE AND REAR EXTENSIONS. (AMENDED DESCRIPTION)

TARGET DECISION DATE: 9 February 2017

CASE OFFICER: Mr D. Power

APPLICANTS NAME: Ms Yasmin Ghulam
AGENTS NAME:

PLANS & DRAWINGS CONSIDERED:

Site Location Plan 1:1250, Site Location Plan 1:500, Block Plan - Cross Section Detail, Existing and Proposed Rear Elevations, Existing and Proposed Side Elevations, Existing and Proposed Front Elevations, Existing Elevations and Block Plan, Driveway Surface Cross Section, Proposes Cross Section, Proposed Floor Plans, Proposed Roof Detail, Proposed Ground Floor Plan, Proposed Cross Section Window.

CONSULTEE NOTIFICATIONS & RESPONSES:-

- | | | |
|----|---------------------------------------|--------------|
| 1. | WSCC – Highways | No objection |
| 2. | CBC - Property Division | No objection |
| 3. | CBC - Planning Arboricultural Officer | No objection |

NEIGHBOUR NOTIFICATIONS:-

25, 34, 36, 38 Forge Road;
1 The Birches;
1 Brookside;
107 Hazelwick Road.

RESPONSES RECEIVED:-

Four letters of objection have been received and can be summarised as follows:

- The development would have a harmful impact on the character of the area.
- The development would have a harmful impact on the nearby trees

Comments have been received from The Three Bridges Forum in which it objects to the application. In its comment it states that the application should be considered in light of the planning history of the site, namely that the application does not comply with a planning condition on a previous permission. It states that the approval of this application would reward the applicant for not complying with this condition. Furthermore it comments that the application does not accord with the NPPF with regard to the disposal of

amenity land. It considers the applicant has already caused damage to the existing tree and this application will cause further damage.

Comments have been received objecting to the sale of the land from the Council to the applicant. This is not a material planning consideration and does not form part of the consideration of this application.

REASON FOR REPORTING TO COMMITTEE:-

A Councillor has requested the application is determined by Planning Committee.

THE APPLICATION SITE:-

- 1.1 The application site relates to a two storey-semi-detached dwelling located on the northern side of Forge Road and situated at the junction with The Birches. The surrounding area is residential in nature and is predominantly characterised by rows of terraced dwellings. To the east of the side boundary of the site is a row of 4 garages, one of which is owned by the applicant. To the east of the dwelling there is also an area of amenity land which is owned by the Council, a strip of which has been bought by the applicant and forms part of this application for its change of use. The remaining amenity land is grassed and contains two large trees. Within the rear garden of the application site is a large Oak tree that is covered by Tree Preservation Order (TPO).
- 1.2 Works have commenced on both the previous approvals, the change of use (CR/2016/0225/FUL) and the side and rear extension (CR/2013/0566/FUL). Excavation works have been undertaken in connection with the change of use, while the side extension has been substantially complete. The remainder of the existing driveway is rubble and at a lower level than the foot path to the south.

THE PROPOSED DEVELOPMENT:-

- 2.1 The conditions imposed on the previous change of use were not complied with prior to the commencement of development and therefore the development was not lawfully commenced. The application is therefore in part retrospective and seeks to regularise the existing works and proposes amendments to the existing approval.
- 2.2 Since the original submission of the application the description has been amended to incorporate changes to the previous approved extension. Therefore this application now seeks for planning permission for the change of use of amenity land to form part of the residential curtilage for no. 27 and for alterations to a previously approved and part built side extension. The parcel of land was once Council owned and was sold to the applicant following the grant of planning permission for its change of use.
- 2.3 The change of use relates to a strip of land measuring 1.035 metres wide and 8.5 metres in length, the application proposes to incorporate the parcel of land as part of the current driveway and block pave the area. The strip of land that forms part of this application was owned by the Council, following the approval of the application of planning permission (CR/2016/0225/FUL) the land was sold to the applicant. The remaining part of the land is retained within the Council's Ownership. The existing driveway including the strip of land that forms part of this application would be surfaced with block paving, Type 3 MOT and sharp sand would be laid in the area for which the change of use is sought.
- 2.4 The application also seeks to amend a previously approved extension (CR/2013/0566/FUL) to the side of the dwelling. The extension has been partly built, however it is not in accordance with the approved plans. The width, length and eaves height remain unchanged from the previous approval. The roof currently overhangs the land to the side for which the change of use is sought. This application seeks to amend the roof and remove the overhang. In addition the ridge height of the

proposal would be 3.9 metres in height compared to the original permission where the ridge was 3.5 metres in height.

PLANNING HISTORY:-

- 3.1 CR/2016/0225/FUL: Change of use of amenity land to private garden (revised location plan and block plan)- Permitted but not implemented in accordance with the conditions.
- 3.2 CR/2015/0472/FUL - Change of use of council owned amenity land and erection of single storey side and rear extensions to house in multiple occupation – Refused
- 3.3 CR/2013/0566/FUL - Erection of single storey side and rear extensions to a house in multiple occupation (Use Class C4) (amended description) – Permitted but not implemented in accordance with the conditions.

PLANNING POLICY:-

4.1 National Planning Policy Framework 2013 (NPPF):

4.2 The relevant sections of the NPPF are as follows:

- Section 7: Requiring Good Design. The government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute to making places better for people (para 56).
- Section 8: Promoting healthy communities: Planning policies should be based on up to date assessments of the need for open space. Existing open space should not be built on unless it has been demonstrated to be surplus (Paras 73 and 74).

4.3 Crawley 2030: The Crawley Borough Local Plan 2015-2030

- 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) states that all proposals for development in Crawley will be required to respond and reinforce local distinctive patterns of development and landscape character, and create continuous frontages onto streets and spaces enclosed by development which clearly defines private and public areas.
- Policy CH3: (Normal Requirements of All New Development) states all proposals for development in Crawley will be required to make a positive contribution to the area; be of a high quality design, 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 ENV1: (Green Infrastructure) Crawley's multi-functional green infrastructure network will be conserved and enhanced.
- Policy ENV4: (Open Space, Sport and Recreation) states that proposal that remove or affect the continued use of existing open space, sport and recreational space will not be permitted unless:
 - a) An assessment of the needs for open space, sport and recreation clearly show the site to be surplus to requirements; or
 - b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

- c) The development is for alternative sport and recreational provision, the needs for which clearly outweigh the loss.
- Policy IN7: (Crossovers) Proposals for crossovers to access hardstanding in front garden will only be permitted where highway safety, the amenity of the street scene are not adversely affected and there would not be an unacceptable loss of public on-street parking spaces.

PLANNING CONSIDERATIONS:-

- 5.1 The main considerations in the determination of this application are:
- The loss of open space;
 - Design & appearance of the proposal & the impact on the street scene;
 - Impact on trees.

The loss of open space

- 5.2 Paragraphs 73 and 74 of the NPPF state that planning policies should be based on up to date assessments on the need for open space, and existing open space should not be built upon unless the land has been demonstrated to be surplus or the loss would be replaced, or the resulting provision of alternative recreation space would outweigh the benefits of the loss. This is supported by Policy ENV4 of the Crawley Borough Local Plan 2030.
- 5.3 The current Local Plan was supported by an Open Space, Sport and Recreation Study prepared in 2013 which addressed this requirement. The study excluded sites below 0.2ha from the quantity analysis as these are classified as 'visual amenity space' rather than amenity green space. The application is under this size threshold and the surplusness test in NPPF does not therefore need to be applied. The consideration in this application is on the loss of the land in terms of its visual amenity and as part of the wider character of the area.

Change of use- Visual impact on the wider character of the area

- 5.4 The proposed development would result in the change of use of a 1.035 metres wide by 8.3 metres long strip of land which immediately adjoins the east of no. 27 Forge Road. This forms a small amount of the overall area of amenity land, and there would remain approximately 10 metres by 11 metres of amenity space remaining. The change of use for the strip of land has been approved previously under application CR/2016/0225/FUL, however this was not lawfully commenced the conditions were not complied with. The current application does not propose an increase in site area over that previously permitted. An access from the road onto the front garden of the dwelling would not require planning permission.
- 5.5. The strip of land which forms part of this application would be paved and form part of the applicant's curtilage, while the remaining part of the amenity land would remain unchanged. Given the small amount of land that the change of use application is sought for, its position adjoining the applicant's driveway and that it is in line with the existing ground floor dining room, it is considered, the loss of the limited area of public amenity land would not result in unacceptable harm to the visual amenities of the area. The proposed development is therefore considered acceptable and would accord with Local Plan 2015- 2030 Policies CH2, CH3, ENV1, ENV4 and IN7 in this regard.

Design & appearance of the proposal extension

- 5.6 The application also seeks to amend a previously approved extension (CR/2013/0566/FUL) to the side of the dwelling. The extension has been partly built, however it is not in accordance with the approved plans. While the width, length and eaves height remain unchanged the structure is taller by 0.4 metres from the previously approved application. As shown on the previously approved drawings, the roof currently projects 1 metre to the east overhanging the land for which the change of use is sought. This current application seeks to amend the roof by removing the overhang, resulting in a change to the roof's appearance as well as its maximum height. In addition it is noted

that the extension has been provided with a grey interlocking tile which does not match either the main roof, or those of other houses within the area.

- 5.7 While there would be an increase in the height of the extension, the roof pitch and form would remain generally similar to that previously approved. The removal of the overhang reduces the mass of the extension and the proposed extension would be single storey and subservient to the existing dwelling, although it is considered the roof tile would need to change to match the roof of the house. Given the previous permission, it is considered that with the change to the roof tile, the scale and form of the proposed extension would not have a detrimental impact on the character of the original building or of the wider area. The proposed development is considered acceptable in this regard and would accord with Local Plan 2015- 2030 Policy CH3 and Urban Design SPD.

Impact on neighbouring residential amenity

- 5.8 The application site is located on the corner of Forge Road and The Birches, with the nearest property to the north is no. 1 The Birches and to the west attached to the dwelling is no. 25 Forge Road. The location of the proposed extension in relation to no. 25 Forge Road is such that it would not have an impact upon their amenity due to the screening provided by the existing house. No. 1 The Birches to the north of the application site, is separated from the extension by the application dwellings garden and has a single storey side wall along the mutual boundary. Given this relationship it is not considered the proposal would have a harmful impact on the amenities of the occupiers of this neighbouring dwelling. The proposed development is therefore considered acceptable in this regard and would accord with Local Plan 2015- 2030 Policy CH3 and Urban Design SPD.

Impact on trees

- 5.9 Within the applicants rear garden is a protected tree, while to the east of the dwelling there are two trees owned by the Council but not subject of a protection. It is considered that the tree which is subject to a TPO to the north of the extension would not be impacted by the proposal given its distance from the proposed works. Unauthorised works have commenced on site to implement the previous change of use application (CR/2016/0225/FUL) and the area has been excavated and backfilled with rubble. The proposed driveway including the strip of land that forms part of this application would be surfaced with block paving, sharp sand, with a Type 3 MOT sub-base on a geotextile membrane.
- 5.10 The two trees with high amenity value to the east of the extension are within close proximity to the development. The previous change of use application imposed a condition requiring that prior to the commencement of development, details of the driveway finish including a method statement of the new drive way shall be submitted and agreed. The condition also required the drive way to be of 'no dig' construction, this condition was not complied with prior to the commencement of the development and the area of land to the side of the extension within the root protection area of the trees appears to have been filled with rubble.
- 5.11 The application proposes no further excavation to the side of the proposed extension. However the land to the side of the extension needs to be restored to enable the roots of the trees to be able to recover from the damage caused by the unauthorised works and a condition is therefore recommended to have this area re-excavated down at least 1m to allow the current fill to be replaced with topsoil.
- 5.12 The Councils tree officer has commented on the application and has no objection subject to there being no further excavation proposed to provide the hardstanding parking area. The current application proposes to surface the area with block paving, sharp sand with a Type 3 MOT sub-base over a geotextile membrane. The use of these materials would allow water through and to the roots of the trees. It is considered that given the materials proposed and the size of the area, the proposal would not have a harmful impact upon the trees on the adjoining land.

CONCLUSIONS:-

- 6.1 The proposed change of use of public amenity land to form part of the residential curtilage of no.27 Forge Road would not result in an unacceptable loss of visual public amenity and would not be detrimental to the character of the area. In addition the proposed extension would not have a detrimental impact on the character of the original building or of the wider area or have a negative impact on the amenity of neighbouring properties. Furthermore it is considered that the proposal would not have a harmful impact upon nearby trees. For the reasons as outlined above the application is considered to comply with Local Plan 2015-2030 Policies SD1, CH2, CH3, ENV1 and ENV4 and Urban Design SPD and subject to condition is recommended to approve.

RECOMMENDATION RE: CR/2016/0955/FUL

PERMIT - Subject to the following condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
REASON: To comply with Section 91 of the Town & Country Planning Act 1990.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans as listed below save as varied by the conditions hereafter:
(Drawing numbers to be added)
REASON: For the avoidance of doubt and in the interests of proper planning.
3. The roof tile of the extension shall match the red roof tile of the main roof of the dwelling.
REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.
4. The hardstanding to the area of the change of use hereby approved shall only be finished in accordance with the details on the approved plan 'CBC 008 Driveway Surface Cross Section' and 'CBC 009 Proposed Cross Section ' using a permeable block pavior and there shall be no additional excavation of the land. The areas thereby developed shall remain in accordance with the approved details during the life of the development unless otherwise agreed in writing by the Local Planning Authority.
REASON: To avoid undue damage to the rooting zone of the adjacent Oak trees in accordance with policy CH2 and CH3 of the Crawley Borough Local Plan 2015-2030.
5. Prior to works to implement the individual elements of the hardstanding comprising the installation of:
 - a) the geotextile membrane;
 - b) the MOT type 3 sub-base;
 - c) the sharp sand base; and,
 - d) the permeable pavior.

The applicant shall have contacted the Local Planning Authority and arranged for an officer to attend the site to oversee the implementation of the works.

REASON: To ensure the works are undertaken to an acceptable standard to protect the roots of the adjacent trees in accordance with policy CH3 of the Crawley Borough Local Plan.

6. Within 3 months of the date of this permission and prior to works to implement the hardstanding, the area of land immediately to the east of the extension in the ownership of the applicant shall have been excavated to a depth of 1m and the material removed shall have been replaced with topsoil. Prior to re-filling the excavated area with topsoil the applicant shall have contacted the Local Planning Authority and shall have arranged for an officer to attend the site to confirm the works are acceptable.
REASON: To ensure the works are undertaken to an acceptable standard to protect the roots of the adjacent trees in accordance with policy CH3 of the Crawley Borough Local Plan.

NPPF Statement

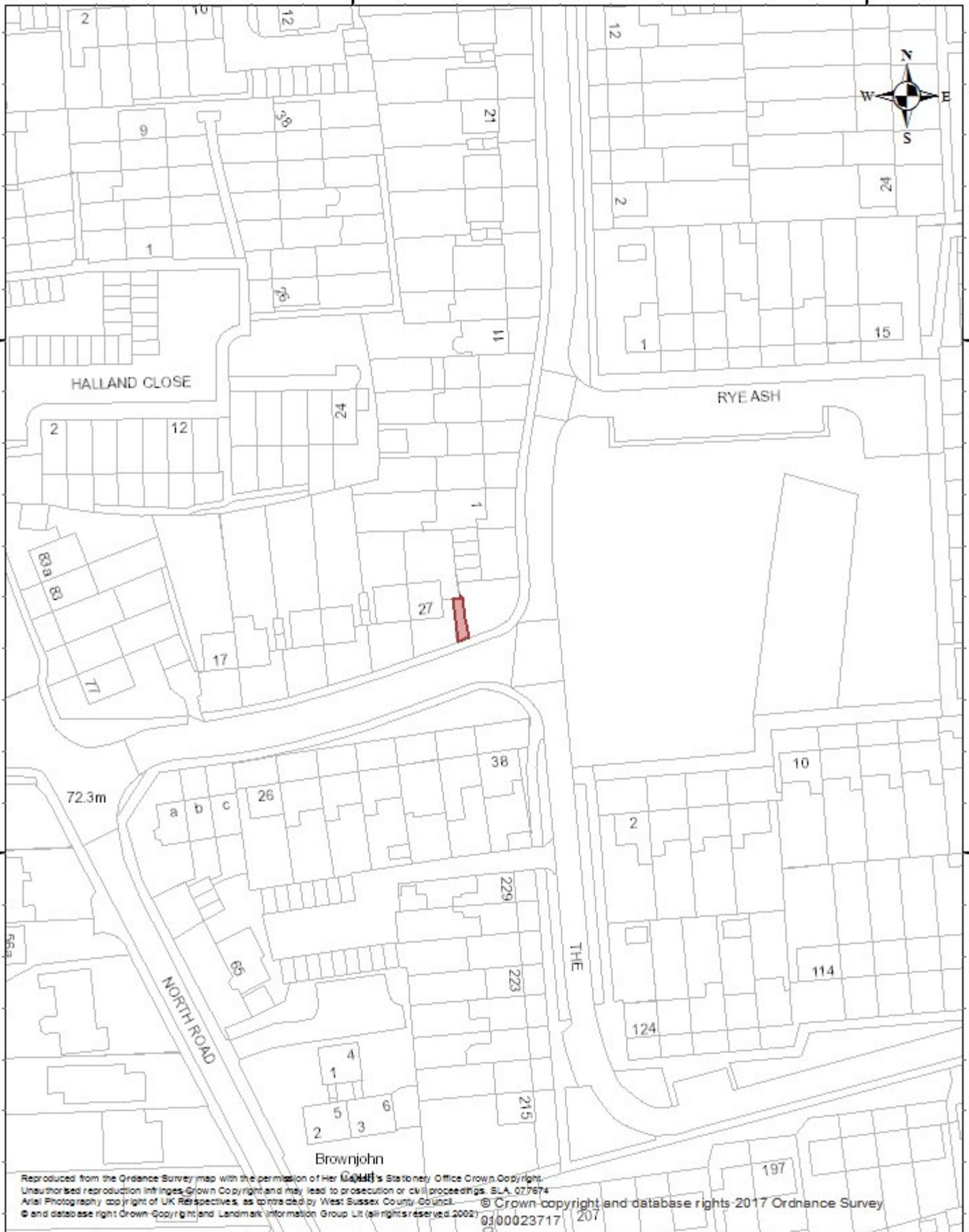
1. In determining this planning application, the Local Planning Authority assessed the proposal against all material considerations and has worked with the applicant in a positive and proactive manner based on seeking solutions where possible and required, by:

- Providing advice in a timely and manner through pre-application discussions/correspondence.
- 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.

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