

**REFERENCE NO: CR/2022/0091/NCC**

**LOCATION:** [6 WOODLANDS, POUND HILL, CRAWLEY](#)

**WARD:** Pound Hill North & Forge Wood

**PROPOSAL:** RETROSPECTIVE APPLICATION FOR VARIATION OF CONDITION 3 (MATERIALS) PURSUANT TO CR/2020/0028/FUL FOR THE DEMOLITION OF EXISTING REAR CONSERVATORY & SINGLE STOREY EXTENSION & ERECTION OF A TWO STOREY & SINGLE STOREY REAR EXTENSION, FIRST FLOOR SIDE EXTENSION & TWO STOREY FRONT EXTENSION

**TARGET DECISION DATE:** 12 April 2022

**CASE OFFICER:** Miss S. Hobden

**APPLICANT'S NAME:** Mr & Mrs Gill

**AGENT'S NAME:** JNA Architects

---

**CONSULTEE NOTIFICATIONS & RESPONSES:-**

Not applicable.

**NEIGHBOUR NOTIFICATIONS:-**

4 and 8 Woodlands.  
72 Worth Park Avenue.

**RESPONSES RECEIVED:-**

No neighbour responses received.

**REASON FOR REPORTING TO COMMITTEE:-**

The application has been called in to the Planning Committee by Councillor Kevan McCarthy for the following reason:

*"I would like to ask for this application to be determined by the Planning Committee rather than by officers under delegated powers as it is the latest in a number of similar applications for this site, and has been submitted following the refusal of several previous applications. The extensions in question have attracted some objections from neighbours, but other neighbours have stated that they find the design in keeping with the area, and the applicants feel strongly that this is the case as well. In view of this, and the long-running nature of this issue which has caused some concerns with regard to relationships in the local community, I feel it would be appropriate for the final decision on this application to be made by elected members."*

**THE APPLICATION SITE:-**

1.1 The application relates to a two storey detached house located on the eastern side of Woodlands within the residential neighbourhood of Pound Hill. The house has a new dark grey smooth tiled roof, grey fenestration and is finished in a red brick with some rendered areas on the front elevation at first

floor level. It has a single storey front projection with mono pitch roof, a first floor side extension with projecting gable over the garage and a two storey and single storey rear extension. The property is set within a large plot.

- 1.2 Woodlands is characterised by spacious gaps between the properties, a relatively consistent palette of materials, and large front and rear gardens. The rear garden of no. 6 rises to the rear (east) and is bounded by approx. 1.8m high close board fencing, several mature trees and a shed. The rear of the house backs directly onto Balcombe Road. The property is raised up from the public highway to the front of the site. It has an open frontage that is partly laid to grass and includes off street parking for approx. 4 vehicles (including the garage).

### **THE PROPOSED DEVELOPMENT:-**

- 2.1 Permission is sought for the variation of condition 3 (materials) of planning permission under reference CR/2020/0028/FUL. According to the application form the proposed alteration to the condition is to be amended for it to read “for a better quality window”.

- 2.2 The relevant condition as currently worded is as follows:

*The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application.*

*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.*

- 2.3 A previous application was submitted under reference CR/2021/0570/NCC to regularise the unauthorised grey windows and dark grey smooth roof tiles. This was refused by the Council and subsequently dismissed at appeal by the Planning Inspectorate. This current application is to retain the unauthorised anthracite grey windows only. The original windows were white uPVC. The application form for the original planning application submitted in 2020 under reference CR/2020/0028/FUL was clear and stated that the windows would match. Condition 3, quoted above, was subsequently attached to the permission to secure implementation of the matching materials.

- 2.4 The current application does not seek to address the dark grey roof tiles which currently remain in situ and are also unauthorised as they do not match the original roof tiles which have been removed from the dwelling.

### **PLANNING HISTORY:-**

- 3.1 CR/2021/0570/NCC - RETROSPECTIVE APPLICATION FOR VARIATION OF CONDITION 3 (MATERIALS) PURSUANT TO CR/2020/0028/FUL FOR THE DEMOLITION OF EXISTING REAR CONSERVATORY & SINGLE STOREY EXTENSION & ERECTION OF A TWO STOREY & SINGLE STOREY REAR EXTENSION, FIRST FLOOR SIDE EXTENSION & TWO STOREY FRONT EXTENSION – appeal dismissed.
- 3.2 CR/2020/0028/FUL - DEMOLITION OF EXISTING REAR CONSERVATORY & SINGLE STOREY EXTENSION & ERECTION OF A TWO STOREY & SINGLE STOREY REAR EXTENSION, FIRST FLOOR SIDE EXTENSION & TWO STOREY FRONT EXTENSION – permitted.
- 3.3 CR/2013/0229/FUL - ERECTION OF SINGLE STOREY FRONT EXTENSION – permitted.
- 3.4 CR/147/1977 - ERECTION OF SINGLE STOREY EXTENSION AT REAR – permitted.

## **PLANNING POLICY:-**

### 4.1 National Planning Policy Framework (July 2021)

- 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.

### 4.2 Crawley Borough Local Plan (2015-2030)

- 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.

### 4.3 Emerging Crawley Borough Local Plan 2021 – 2037 (Regulation 19 Draft)

The Local Plan Review 2021-2037 was published for Regulation 19 consultation on 6<sup>th</sup> Jan 21 and therefore limited weight should be given to the following applicable policies:

- Policy DD1: Normal Requirements of All New Development

### 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:

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

## **PLANNING CONSIDERATIONS:-**

5.1 The main consideration in determining this application is any effect that the changes to the materials approved under ref: CR/2020/0028/FUL have on the external appearance of the house and upon the character of the street scene.

5.2 The Woodlands street scene is characterised by early 1960s detached houses set within large plots. The houses vary in design in this street. Some include gable features on the front elevations and others include projecting cat-slide roofs. Overall, both the designs and materials of the houses are traditional. Predominant materials include brick, white render, brown/red tile hanging, brown concrete pan tiled roofs, white uPVC window frames and white barge boards. The Woodlands street scene has a uniform and distinctive colour and material palette, with the vast majority of the properties having white uPVC windows.

- 5.3 Policy CH3 (Normal Requirements of All New Development) of the Crawley Borough Local Plan states that all proposals for development are required to make a positive contribution to the area and be of a high quality of urban design. All proposals should be of high quality in terms of their urban, landscape and architectural design and relate sympathetically to their surroundings in terms of, but not limited to, details and materials. The Urban Design SPD (2016) states development should relate appropriately to the parent dwellings character and style, materials and finishes of the parent dwelling and the character of the neighbourhood.
- 5.4 The retention of the dark grey windows is considered to be unacceptable. The windows appear out of character with the other houses within the street. The vast majority of the houses within Woodlands have white uPVC window frames. The window frames that have been installed are of a dark colour that is out of keeping with the otherwise lighter coloured white window frames within this street.
- 5.5 In dismissing the appeal against the refusal of the Council to vary the condition to allow grey windows and grey roof tiles (ref: CR/2021/0570/NCC), the Planning Inspector in agreeing with the Council, stated: *"The use of dark grey smooth tiles, and similarly coloured windows, stand out amongst the softer and consistent material palette used within the rest of the street. As a result, the development appears overly prominent and incongruous in its setting and ultimately has a detrimental impact upon the character and appearance of the host property and wider street scene"*.
- 5.6 The agent has previously stated, during the course of the appeal, that *"...planning permission is not usually required for replacement of window in an existing building, including where the new windows are of different colour to the existing windows..."*. These comments are not relevant as the proposed development required planning permission and was not permitted development and it is therefore subject to a requirement to comply with the condition. In addition even if the proposal had been permitted development the General Permitted Development Order 2015 as amended Schedule 2 Part 1 Class A, Condition A.3 requires that (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse, with which the windows installed do not comply. The application form for CR/2020/0028/FUL also stated that the windows would match the existing dwelling, and condition 3 was subsequently attached to the permission to secure implementation of the matching materials.
- 5.7 The grey windows are not of a similar visual appearance to those that were on the original house or within the street and do not result in a sympathetic appearance that minimises visual impact. As such, they do not have a similar or sympathetic visual appearance.
- 5.8 The agent has previously provided some examples of other properties with varying fenestration colour. However, it is not known whether these are authorised and therefore benefit from planning permission. Furthermore, the majority of the examples given are of properties in different streets. These are not visible from the application site. The Council does not therefore consider that they are relevant to the Woodlands street scene. Unauthorised alterations should not set a precedent for future development. The Planning Inspector concurred with the Council stating that: *"My attention is drawn to several examples of other properties within the surrounding area which feature grey windows and/or tiles. I have no evidence before me to confirm if these alterations have the benefit of planning permission, or indeed whether they required it. Nevertheless, although some occasional examples do exist, I do not consider that they form the dominant feature of the surrounding area"*.
- 5.9 The use of contrasting materials and colours where these are within the right context can be acceptable. For instance, in a street featuring a variety of building designs and materials, further variety may well be appropriate. This is unlikely to be the case in an area of more consistent designs or materials. Woodlands features real consistency in materials, creating a coherent and distinctive

street scene despite the varied house designs. It is not considered that the grey windows installed are appropriate in this street scene. The Council and Planning Inspector consider that these details and characteristics should be retained to maintain the characteristic qualities of this street scene and the applicant/appellant has failed to appreciate the distinct colour and material palette of this street. The grey windows installed, along with the other unauthorised alterations, create a jarring impression and do not sit comfortably alongside their neighbours.

- 5.10 Objections were received prior to the determination of previous applications and there have been complaints from neighbouring residents regarding the materials and that the rear extension is not in accordance with the approved plans.
- 5.11 An active enforcement investigation has identified that not only has the applicant used unauthorised materials/windows but the two-storey rear extension has not been built in accordance with the approved plans permitted in 2020. The two storey rear extension has been built taller than permitted and the roof design and fenestration is different from that approved.
- 5.12 Although the size and design of the rear extension is a separate issue, the matters raised are related to the current proposal as the extension also has unauthorised windows and the applicant has not complied with the conditions applied to planning permission granted under CR/2020/0028/FUL, or constructed the overall development in accordance with the approved plans.
- 5.13 The development is in breach of condition 3 of the 2020 permission, the applicant provides no real justification for the chosen windows other than this is simply the preferred option to express individuality. The applicant has not stated on the application form how they wish the existing condition wording to be varied which is a requirement of this type of application. The application form simply states '*for a better quality window*' which is not an enforceable condition. The applicant has had an opportunity to restore the windows back to white uPVC but has instead submitted another application for the same development already considered and refused by both the Council and the Planning Inspectorate.

#### 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. The proposal would involve no connection to the water supply. A screening assessment has been undertaken which concludes that the proposal would be water neutral as a result. The Local Planning Authority has therefore concluded that the proposal would not adversely affect the integrity of the protected sites and would not conflict with the obligations under the Conservation of Habitats and Species Regulations 2017.

#### **CONCLUSIONS:-**

- 6.1 Overall, it is considered that the dark grey windows detrimentally impact the appearance of the house and are out of character with the other houses on Woodlands where the vast majority of windows are white. They have altered the appearance of the house and it now appears overly prominent and incongruous in its setting, introducing an inappropriate colour palette to the street. As a result, development is contrary to Local Plan Policy CH3, the guidance contained within the Urban Design SPD (2016) and the relevant paragraphs of the NPPF (2021).

**RECOMMENDATION RE: CR/2022/0091/NCC:-**

**REFUSE** for the following reason:

1. The dark grey roof windows, by reason of their colour and appearance, are considered to detrimentally impact the character, appearance and visual amenity of the existing dwelling and harm the surrounding Woodlands street scene. They are therefore contrary to policy CH3 of the Crawley Borough Local Plan (2015-2030), the guidance set out in the Urban Design Supplementary Planning Document and the National Planning Policy Framework.

1. **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 members/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.
- Providing advice on the refusal of the application and dismissal of the previous 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

1:750

