

## Crawley Borough Council

### Minutes of Planning Committee

Tuesday, 29 August 2023 at 7.30 pm

#### Councillors Present:

S Pritchard (Chair)

M Mwangale (Vice-Chair)

Z Ali, J Charatan, K L Jaggard, K Khan, Y Khan and A Nawaz

#### Also in Attendance:

Councillors K McCarthy and J Russell

#### Officers Present:

Siraj Choudhury Head of Governance, People & Performance

Jean McPherson Group Manager (Development Management)

Marc Robinson Principal Planning Officer

Clem Smith Head of Economy and Planning

Jess Tamplin Democratic Services Officer

#### Apologies for Absence:

Councillors J Bounds, M Morris and S Mullins

#### 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 Nawaz     | Planning Application CR/2023/0391/FUL – 69 St Mary's Drive, Pound Hill, Crawley (minute 4) | Personal interest – had previously had a meeting with the Head of Economy & Planning regarding a change to constitutional procedure, which related to this application. The substance of the application was not discussed. |
| Councillor Pritchard | Planning Application CR/2023/0391/FUL – 69 St Mary's Drive, Pound Hill, Crawley (minute 4) | Personal interest – had previously had a meeting with the Head of Economy & Planning regarding a change to constitutional procedure, which related to this application. The substance of the application was not discussed. |

## 2. Lobbying Declarations

The following lobbying declarations were made by councillors:

All councillors present had been lobbied but had expressed no view on application CR/2023/0391/FUL.

## 3. Minutes

The minutes of the meeting of the Planning Committee held on 24 July 2023 were approved as a correct record and signed by the Chair.

## 4. Planning Application CR/2023/0391/FUL - 69 St Mary's Drive, Pound Hill, Crawley

The Committee considered report [PES/437a](#) of the Head of Economy and Planning which proposed as follows:

*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).*

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

The Principal Planning Officer provided a verbal summation of the application, which sought permission for the redevelopment of a bungalow on St Mary's Drive in Pound Hill. The works had already been undertaken, and so the application was retrospective. The Officer then gave details of the various relevant planning considerations as set out in the report.

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

- The extension was overly large and dominant. The grey roof tiles did not match the semi-detached neighbouring house.
- Issues had arisen regarding the property's boundary and damage to a brick wall on the driveway.
- If permission were to be granted, it could set a precedent for allowing similar works (i.e. larger extensions and differently-coloured roof tiles) for neighbouring properties.

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

- The applicant had removed hedges between neighbouring properties, which had caused disagreement between neighbours.
- Communication with the applicant was limited and had caused confusion about the level of works being undertaken.
- The works had caused further issues such as boundary encroachment, the erecting of a bollard on a shared driveway, and access to rear garden gates.

Josh Healey, the applicant, spoke in support of the application. Matters raised included:

- Pound Hill's streetscene had a wide variety of housing in different styles, shapes, colours and sizes.

- The works on the property blended sympathetically with the local streetscene, so should be considered compliant with Local Plan policies CH2 and CH3.
- There were many properties in the local area which had similar features, such as grey roof tiles and grey window frames, some of which had been granted planning permission in recent years.

Kevan McCarthy, Ward Councillor for Pound Hill North & Forge Wood, spoke in support of the application. Matters raised included:

- There was no consistency in the style of houses on St Mary's Drive and surrounding roads. Many properties had been built or extended over the years and the streetscene had been constantly changing.
- There were many other properties with white rendering in the area and/or with grey roof tiles and window frames.
- If the application were to be refused the works would be required to be reverted, which would be costly and wasteful.

Justin Russell, Ward Councillor for Pound Hill North & Forge Wood, spoke in support of the application. Matters raised included:

- The local area had undergone several phases of development which had led to a varied mix of properties along St Mary's Drive. This property did not stand out as having a negative impact on the streetscene.
- Many bungalows in the area had been extended and redeveloped, at the front and the rear, in a range of colours and materials.
- The works were of a high quality and the resulting property was attractive.

The Committee then considered the application. Committee members sought clarification on the reason for the recommendation to refuse; it was confirmed that this was solely in regard to the materials used in the development. These were significantly different to the previous materials of the property and to those of neighbouring houses.

A Committee member queried why the works were not permissible under permitted development rights. The Planning Officer explained that in addition to the non-compliance of the materials, the flat roof extension was above the height of the existing eaves. The dormer was also built on to the rear extension, rather than original roof. The development was therefore taller than allowed under permitted development, so was required to be considered via a planning application.

The Committee discussed the development's impact on the streetscene and asked for further explanation from the Planning Officer. It was explained that generally, properties of the same type tended to use similar materials. There were runs of types of property along St Mary's Drive – the streetscene in this case referred not to the entirety of the road, but a smaller section of the road around the property. The area was defined mostly by bungalows with red/brown roof tiles and which generally used the same palette of materials and colours. It was also highlighted that mis-matching roof tiles on adjoined properties harmed the streetscene. Some Committee members commented that the property was attractive and had been modernised.

A Committee member commented that the consequences of refusal of the application (i.e. the reversion of the works) would be significant for the applicant in cost, time, and waste. It was however highlighted that retrospective planning applications were not the preferred route.

Committee members enquired about the other matters raised by the neighbours of the property, such as the erection of a bollard on the driveway, damage to a brick wall, and the disputed property boundaries. The Planning Officer confirmed that a bollard did not generally require planning permission if it was under one metre in height. The

matters raised were not a part of the application and were civil matters rather than issues to be controlled through the planning system.

The Committee then moved to a vote on the officer recommendation to refuse the application, which was overturned.

A Committee member moved that the application be permitted, which was seconded. The Planning Officer was consulted as to the conditions to be attached to the proposed permission. It was confirmed that one condition relating to the plans and a National Planning Policy Framework statement would be required. No further conditions were necessary as the application was retrospective. A Committee member asked whether it was possible to attach any conditions to address the concerns raised by the next-door neighbours of the site, for example the boundary between the properties. The Planning Officer highlighted that the concerns raised were civil matters. If the application had not been retrospective, an informative may have been able to be added, but the matters could not otherwise be controlled by planning conditions. The Committee then voted on the motion to permit.

## **RESOLVED**

Permit subject to the following condition:

1. The development hereby permitted shall not be carried out other than in accordance with the approved plans listed below:

| <b>Drawing Number</b> | <b>Revision</b> | <b>Drawing Title</b>                         |
|-----------------------|-----------------|--|
| JH/23/01              |                 | Location Plan Site Plan & Photos             |
| JH/23/02              |                 | Original House Plans Sections and Elevations |
| JH/23/03              |                 | As Built Plans Sections & Elevations         |

REASON: For the avoidance of doubt and in the interests of proper planning.

### **NPPF Statement**

The Local Planning Authority has determined this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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.

## **5. Objections to the Crawley Borough Council Tree Preservation Order - Trees at Kenilworth Close, Broadfield, Crawley - 05/2023**

The Committee considered report [PES/439](#) of the Head of Economy and Planning which sought to determine whether to confirm the Tree Preservation Order (TPO) – Trees at Kenilworth Close - 05/2023 – with or without modification for continued protection, or not to confirm the TPO.

Councillor Ali declared he had visited the site.

The Group Manager (Development Management) provided a verbal summation of the application, which related to a group of six oak trees and one lime tree in Kenilworth Close in Broadfield. The trees were considered to be in good health and make a strong contribution to the visual amenity of the streetscene. In March 2023 the trees were protected under a six month provisional TPO, which the Committee was now requested to confirm.

The Committee then considered the application. A Committee member raised a concern about the potential safety hazards raised by an individual whose garden contained one of the trees subject to the order. The Officer confirmed that the debris that had been described as falling off the tree was deadwood, which can be removed from a protected tree without the need for permission from the Council. It was also clarified that a TPO did not prevent further works to the trees from taking place; an application could be made to the Council and an appropriate level of works would be determined.

Following a query from a Committee member regarding the owners of the trees, the Officer confirmed that the tree situated in the garden of 22 Kenilworth Close was owned by the homeowner, while the trees situated alongside the road were owned by Kenilworth Management Company. It was highlighted that anyone with concerns about the trees should first approach the owner, who could make an application for works. Alternatively an application could be made by any other individual, with any approved application then presented to the owner to arrange for the carrying out of the works.

Committee members discussed that as part of the TPO process, an enquiry to the Local Planning Authority about a tree's status can result in a TPO being made to protect that tree. Some felt that the process might be perceived as being unfair. Others highlighted the importance of protecting trees across the borough. The Officer clarified that the procedure must be followed as set out in legislation, and that the process also allowed any interested party to fairly voice their opinion about a TPO.

The Committee suggested that clearer information could be provided to residents regarding the TPO process. It was heard that interested parties did receive documentation setting out the relevant information upon the making of a provisional TPO, but this could be examined with a view to making improvements.

The Committee then moved to a vote.

## **RESOLVED**

Confirm, without modification.

## **Closure of Meeting**

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 8.51 pm.

**S Pritchard (Chair)**