

Crawley Borough Council

Minutes of Planning Committee

Tuesday, 4 June 2024 at 7.00 pm

Councillors Present:

S Pritchard (Chair)

M Mwagale (Vice-Chair)

O Adeniyi, T Bidwell, B J Burgess, J Charatan, J Hart, K L Jaggard, Y Khan, A Nawaz and D Patel

Also in Attendance:

Councillors N Hilton and J Russell

Officers Present:

Siraj Choudhury

Head of Governance, People & Performance

Marc Robinson

Principal Planning Officer

Clem Smith

Head of Economy and Planning

Jess Tamplin

Democratic Services Officer

Hamish Walke

Acting Group Manager (Development Management)

Apologies for Absence:

Councillor S Mullins

1. Disclosures of Interest

The following disclosures of interests were made:

Councillor	Item and Minute	Type and Nature of Interest
Councillor Burgess	CR/2023/0317/FUL – 23 Maiden Lane, Langley Green (minute 4)	Personal interest – a West Sussex County Council Councillor.
Councillor Nawaz	CR/2024/0054/FUL – 1 Woodlands, Pound Hill (minute 5)	Personal interest – had seen information relating to the application in his role as Cabinet Member for Planning and Economic Development.

Councillor Pritchard	CR/2024/0054/FUL – 1 Woodlands, Pound Hill (minute 5)	Personal interest – had engaged in communication with the applicant in relation to technical aspects of the design prior to the application being submitted.
----------------------	---	--

2. Lobbying Declarations

The following lobbying declarations were made by councillors:

Councillor Pritchard had been lobbied but had expressed no view on application CR/2023/0317/FUL.

3. Minutes

The minutes of the meeting of the Planning Committee held on 23 April 2024 were approved as a correct record and signed by the Chair.

4. Planning Application CR/2023/0317/FUL - 23 Maiden Lane, Langley Green, Crawley

The Committee considered report [PES/460a](#) of the Head of Economy and Planning which proposed as follows:

Retrospective application for single storey rear extension and proposed change of use to 7 person HMO.

Councillors Adeniyi, Burgess, Jaggard, Mwangale, and Pritchard declared they had visited the site.

The Acting Group Manager (Development Management) provided a verbal summation of the application, which sought retrospective permission for a single storey extension which used materials that differed from those acceptable under permitted development. The application also sought permission for a change of use to a seven-person house in multiple occupation (HMO). The officer then gave details of the various relevant planning considerations as set out in the report.

Andrew Metcalfe, the agent (Squires Planning), spoke in support of the application. Matters raised included:

- The application was retrospective, which was not a planning consideration, but the applicant wished to pass their apologies to the Committee for the builder using different materials to those originally set out.
- The proposal met all the relevant standards for a seven person HMO.
- The key considerations were the addition of one potential inhabitant to the dwelling and the materials used on the rear extension, which were not considered sufficient reasons to refuse the application.

The Committee then considered the application. A number of concerns were raised about the impact of the size of the rear extension on the adjoining property. It was highlighted that the extension did not comply with the minimum required standard of a 45 degree angle between the edge of the next-door neighbour's window and the

extension, and caused overshadowing due to its height and depth. The officer clarified that this was classed as acceptable on balance as the depth of the house was relatively shallow and the adjoining room had an alternative source of light (the front window). Committee members' concerns remained, particularly as a significant shadow from the extension fell over the rear patio doors of the neighbouring property and this was considered to have a harmful impact on light levels in the room and therefore the neighbouring amenity.

Further concerns were raised about the intensification of use of the property and that the size was unsuitable for seven occupants. It was highlighted that the officer report stated that the applicant had been requested to decrease the proposed occupancy to six as this would create additional communal space and therefore a better environment for occupants. Committee members sought further explanation of this from officers, who confirmed that the size of the communal space as proposed and all bedrooms met the Council's separate HMO standards, but there were general concerns that the proposed occupancy of seven was high for one property. The Committee continued to have concerns about the proposed bedroom sizes, the potential for overcrowding, and the lifestyle impact this would have on future occupants.

The Committee also discussed the application's proposed parking provision, which was for four cars. The officer explained that the Council's policy standard for parking provision for an HMO was 0.5 spaces per bedroom – there were seven proposed bedrooms at the property so a minimum requirement of 3.5 spaces. The application was therefore compliant in parking terms, and the local highways authority had not raised an objection. Concerns were however raised that the provision may be insufficient as the nature of HMOs was that of independent living, so it was highly possible that some or all of the occupants would own separate cars. The Committee also discussed the high parking demand in the area and issues of parking on grass verges.

The officer also provided the following clarifications in response to questions and comments from Committee members:

- There did not seem to be any other HMOs that had required planning permission (i.e. those for seven or more people) in the immediate area. Committee members raised concerns that this was therefore not a suitable use for a property in an area made up of a majority of family homes and would have a harmful impact on the area.
- A water neutrality assessment had been agreed by Natural England. More efficient fixtures had replaced previous ones at the property and it was concluded that there was to be a saving of 317 litres of water per day.
- If there was found to be more than the approved number of occupants at an HMO, the Council had powers to serve a breach of condition notice which would require the occupancy to revert to the agreed number.
- If the application were to be refused, the property would retain its use as a C3 class dwellinghouse – this could be converted to a 'small HMO' (for six or fewer people) without requiring a planning application.
- Although the non-matching materials had triggered the extension coming in front of the Committee, the impact of the entire extension needed to be considered in determining the application.
- Party wall agreements fell under separate legislation to planning applications and were not a matter for the Committee to discuss.

The Committee then moved to a vote on the recommendation to permit the application set out in the report. The recommendation was moved by Councillor Pritchard as the

Chair and seconded by Councillor Mwangale as the Vice-Chair. The recommendation was overturned.

The Chair summarised the Committee's main considerations in voting against the recommendation to permit the application. Committee members discussed their concerns, which were in relation to the size of the extension and proximity to the neighbouring property and the overshadowing this caused, and also the intensification of use of the property and the resulting impact on neighbouring amenity. It was highlighted that there had been a significant number of objections by neighbours of the site and that the neighbour impact would be notable in a high-density area. Concerns were also raised about the living standards of future occupants of the property as its size was considered to be too small for seven occupants. Committee members felt that these were valid grounds for refusal of the application. The planning officer was consulted as to the wording to be used for the draft reasons for refusal.

It was moved by Councillor Y Khan that the application be refused, which was seconded by Councillor Jaggard.

The Committee then moved to a vote on the alternative motion.

RESOLVED

Refuse for the following reasons:

- 1) The proposed rear extension, by reason of its size, height, depth and proximity to No. 21 Maiden Lane, would cause harmful overshadowing and adversely affect residential amenity for the occupants of No. 21, contrary to Policy CH3 of the Crawley Borough Local Plan (2015-2030), Policy DD1 of the Draft Crawley Borough Local Plan (2023-2040) and the Urban Design Supplementary Planning Document.
- 2) The proposed use as a House in Multiple Occupation (HMO) by seven people would significantly intensify the use of the property creating an unsatisfactory living environment for future residents of the HMO and unacceptable harm to the amenity and character of the surrounding residential area, contrary to Policies CH3 and H6 of the Crawley Borough Local Plan (2015-2030) and Policies DD1 and H9 of the Draft Crawley Borough Local Plan 2023-2040.

5. Planning Application CR/2024/0064/FUL - 1 Woodlands, Pound Hill, Crawley

The Committee considered report [PES/460d](#) of the Head of Economy and Planning which proposed as follows:

Retrospective permission for creation of dormer on rear elevation.

Councillors Adeniyi, Burgess, Charatan, Jaggard, Mwangale, and Pritchard declared they had visited the site.

The Principal Planning Officer provided a verbal summation of the application, which sought planning permission for an extension to a residential property in the form of a second floor rear dormer. The dormer had been constructed prior to submission of the application so the permission sought was retrospective. The Officer then gave details of the various relevant planning considerations as set out in the report.

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

- The constructed extension had had a significant impact on neighbouring amenity, mainly due to a loss of privacy for the immediate neighbours. Although the houses were at right-angles so according to policy were not deemed to cause a significant loss of privacy, the height and size of the extension resulted in full visibility into the neighbour's home and garden.
- Neighbours could also see into some rooms in the extension itself. Blinds had been installed and trees had been planted but the size of the extension made it difficult to hide.
- Planning policy stated that there should be a good standard of amenity for other nearby neighbours, however the appearance of the extension was not sympathetic to the streetscene due to its style, size, and large windows.

Mohsin Uddin, the applicant, spoke in support of the application. Matters raised included:

- The extension had been built to accommodate a growing family. A previous planning application for the property had been submitted and granted permission in 2017, which had included cladding on the front of the property.
- The property was not in a conservation area and complied with all permitted development rules (including height and size) except for the materials which had been used.
- The extension was not visible from the entrance to Woodlands. The eaves of the extension were visible from further down the road, but not significantly.

Jack Townsend, the agent, spoke in support of the application. Matters raised included:

- If not for the materials used, the extension would have fallen under permitted development rights. Grey cladding had been used rather than tile, but other properties on Woodlands and in the area had been constructed with similar cladding. Nearby properties also had similar dormers.
- Two prior applications had been permitted for grey windows and grey slate tile roofing on the property in the past.
- There was no impact on neighbouring amenity and the impact on the streetscene was minimal.

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

- The property, including its extension, was of a high quality design and had been well constructed.
- Whether the colour of the cladding was acceptable was arguably a subjective matter. The grey colour complemented the design of the property as a whole. Other properties in the area used similar cladding and this signified an organic change in residential building design over time.
- The property sat at the top of a slight rise in ground level so any changes made were more prominent than they may be on other properties in the road, but the dormer was only visible from a small stretch of pavement.

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

- The application had been brought to the Committee due to the materials used. The entirety of the application was now to be considered.

- Woodlands' streetscene was mixed and some properties on the road and in the local area had dormers and grey cladding, some of which had been granted planning permission by the Committee in the past.
- There was little impact on neighbouring amenity and it was not the case that the dormer was conspicuous and inappropriate, as the report stated. The impact on the streetscene was minimal as the dormer was hardly visible from public areas.

The Committee then considered the application. Committee members sought clarification of permitted development rights in order to better understand the reason for the application coming to the Committee for a decision. The planning officer confirmed that this was solely due to the materials used. If compliant materials had been used (it was a requirement of permitted development that materials must be of a similar appearance to the existing property), the extension would have been acceptable under permitted development, however both the grey colour and the faux timber finish of the dormer were deemed to not be similar to the existing tiled roof. As the changes made were not permissible under permitted development a full planning application had instead been required, and so the Committee was to consider whether to grant permission for the dormer and in doing so consider every aspect of it; not just the materials used. The officer's recommendation was to refuse the application as the dormer as erected did not comply with policy.

It was requested that officers provide information on the consequences of refusing a retrospective planning application. It was confirmed that this would involve either removal of the construction or adaptation to bring it in line with policy. This was not however a consideration for the Committee as it was subject to a different process.

The Committee discussed the size of the dormer and its visibility from the public highway. Several Committee members commented that the dormer was large, bulky, or overly dominant and there were concerns that it made for a significant change to the property which negatively affected the streetscene and the neighbours' view to the rear. Others considered the dormer to not be especially visible from the public highway and thus to have minimal impact on the streetscene. The planning officer advised that the acceptability of an extension's impact on the streetscene was relative to its context, and in this context there was a significant visual impact from public viewpoints.

Committee members also discussed the materials used for the dormer, about which mixed opinions were expressed. Some felt that the materials complemented the existing property and did not look out of place, partly due to the use of similar grey colours on neighbouring houses. Others felt that the materials did not match the rest of the property and there were no dormers in the area with cladding that were both grey in colour and had a faux timber effect. It was highlighted that it was typical for a usual (non-retrospective) planning application to have a condition attached that required the materials used to be similar to those of the existing building. Following mixed comments about the attractiveness of the extension and the subjectivity of this, the Committee was reminded that there was clear policy and guidance in regard to design and that the assessment was therefore not subjective. Materials were required to be matching or otherwise appropriate to the character of the property and streetscene.

A concern was raised about the impact of the extension on the privacy of neighbours of the house. It was confirmed that there was a distance of approximately 30 metres to the neighbouring property – there was some overlooking of the rear garden, which was not an abnormal relationship, but it was up to the Committee to decide whether any overlooking into the neighbouring house had a significant negative impact on neighbouring amenity.

A Committee member raised concerns as to whether the local planning authority had sufficiently provided the applicant with guidelines about the size and materials to be used. The planning officer confirmed that planning legislation set out the limitations of such a development and it was the applicant's responsibility to ensure these were complied with.

The Committee then moved to a vote on the recommendation set out in the report. The recommendation was moved by Councillor Pritchard as the Chair and seconded by Councillor Mwangale as the Vice-Chair.

RESOLVED

Refuse for to the reasons set out in report PES/460d.

6. Tree Preservation Order Application CR/2023/0723/TPO - 219 Ifield Road, West Green, Crawley

The Committee considered report [PES/460b](#) of the Head of Economy and Planning which proposed as follows:

Oak 246405 - removal of epicormic growth to crown break.

The Principal Planning Officer provided a verbal summation of the application, which sought consent for works to reduce an oak tree which was considered to be obstructing the footpath and nearby residential garden. The Officer then gave details of the various relevant planning considerations as set out in the report.

The Committee considered the application, then moved to a vote on the recommendation set out in the report. The recommendation was moved by Councillor Pritchard as the Chair and seconded by Councillor Mwangale as the Vice-Chair.

RESOLVED

Consent subject to the conditions set out in report PES/460b.

7. Tree Preservation Order Application CR/2024/0062/FUL - Footpath Adjacent to Southern Boundary of Seymour Primary School, Seymour Road, Broadfield, Crawley

The Committee considered report [PES/460c](#) of the Head of Economy and Planning which proposed as follows:

4116 beech – section fell.

The Principal Planning Officer provided a verbal summation of the application, which sought consent to fell a diseased beech tree in the interests of safety and replace with a similar tree. The Officer then gave details of the various relevant planning considerations as set out in the report.

The Committee considered the application, then moved to a vote on the recommendation set out in the report. The recommendation was moved by Councillor Pritchard as the Chair and seconded by Councillor Mwangale as the Vice-Chair.

RESOLVED

Delegate the decision to consent to the Head of Economy and Planning (to await the end of the site notice expiry period on 6th June 2024) subject to the conditions set out in report PES/460c.

Closure of Meeting

With the business of the Planning Committee concluded, the Chair declared the meeting closed at 9.24 pm.

S Pritchard (Chair)