



Appeal Decision

Site visit made on 25 October 2022

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 3 November 2022

Appeal Ref: APP/Q3820/W/22/3292620

19 Gregory Close, Maidenbower, Crawley RH10 7LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs Garland against Crawley Borough Council.
 - The application Ref CR/2021/0722/FUL, is dated 28 September 2021.
 - The development proposed is Two storey side extension and single storey rear extension following demolition of conservatory.
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Decision

1. The appeal is dismissed and planning permission for Two storey side extension and single storey rear extension following demolition of conservatory is refused.

Preliminary matter and main issues

2. The Council's main concerns relate to the effects on on-site and nearby trees and the character and appearance of the area. With this in mind, the main issues are the effect that the proposed development would have on:
 - The amenity, and health and longevity, of trees on and near the site, and
 - The character and appearance of the surrounding area.

Reasons

Trees

3. The appeal site is situated in a mainly residential area which, close by, is mostly characterised by detached dwellings of varied traditional forms on leafy plots interspersed by good-sized trees. The local landform slopes down from roughly south east to north west. The significant trees on and by the site include individual tree, T5, in the front garden of the appeal dwelling, and the trees within group G1, which are subject to the Crawley Borough (Maidenbower Area C8) Tree Preservation Order 1994 No. P16.15.16 (TPO). These trees can be widely seen from the nearby streets and from most nearby dwellings and their gardens.
4. Due to their scale, forms and materials, and their siting on rising ground where Gregory Close splits into 2 separate culs-de-sac, the double fronted appeal dwelling and the part tile-hung dwelling beyond it, and the trees, including T5 and within G1, by them, make a significant positive contribution to the street scene in Gregory Close, and to the character and appearance of the estate, in the approach from Matthews Drive.

5. Each of the 3 relevant trees, T5 and the 2 nearest in G1, appears to be in good health with no significant defects. Due to their reasonably natural forms and substantial height, T5 and G1 have significant amenity value, and their sylvan appearance contributes positively to the local character.
6. British Standard BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations advises that a tree survey undertaken by an arboriculturist should be completed and made available to designers prior to and/or independently of specific proposals. However, no such arboricultural impact assessment has been put to me.
7. The main stems and crown spread of T5 and the 2 nearest G1 trees are shown diagrammatically on the plans, but their canopies are closer to the appeal dwelling than is shown. Due to the siting of the extensions under or close to their canopies, which have previously been pruned, the groundworks for the extensions, including for their foundations and services, would be likely to harmfully encroach into one or more of the trees' root protection areas. The resultant damage to significant parts of the trees' root systems, and the severe reduction of their canopies to give clearance for construction, would diminish the health and longevity of the trees and would damage their forms, to the detriment of their contribution to amenity. Also, as all of the G1 trees are likely to act together to resist wind and other loads, the severe reduction of any of their canopies, or the loss of one or more of them, could harm the form and stability of other trees within the group. As there is almost no evidence that engineered foundations would be acceptable, they could not reasonably be dealt with by condition.
8. Even if specialist foundations and other groundworks were to be found acceptable, the trees should continue to grow. So, the proposal would be likely to result in repeated applications in future for the trees to be severely reduced or felled, due to the occupiers' concerns including overshadowing, falling branches or the trees failing, and the inconvenience of dealing with fallen leaves, twigs and other detritus associated with the trees blocking gutters and so on. Whilst the trees are subject to the TPO, because such concerns could affect the occupiers' living conditions, the Council would find such applications hard to resist if the proposal were to be permitted.
9. Therefore, I consider that the proposal would harm the amenity value, and the health and longevity, of the trees on and near the site. It would be contrary to Policy CH2 of the Crawley Borough Local Plan 2015-2030 (LP) which seeks to reinforce landscape character, LP Policy CH3 which aims to retain existing individual and groups of trees that contribute positively to the area, the Urban Design Supplementary Planning Document (SPD) which advises that sufficient space should be left between a building and a tree to allow for its growth, and the National Planning Policy Framework (Framework) which aims for existing trees to be retained wherever possible.

Character and appearance

10. For the reasons given in the first main issue, including its prominent siting, the appeal dwelling, and the trees within its grounds and close by, contribute positively to the Gregory Close street scene and to the character and appearance of the locality. The proposed side and back extensions would broadly reflect the form and character of the appeal dwelling.

11. However, the side extension would be barely set back from the front of the appeal dwelling, and its ridge would be little lower than that of its main roof. Because the side extension would not be clearly subservient to the well-proportioned appeal dwelling it would look discordant. Due to its scale and bulk, the side extension would also unacceptably erode the important leafy openness in the side garden. So, the built-up character and unbalanced appearance of the extended dwelling would harmfully erode the suburban character of its surroundings. Moreover, for the reasons given in the first main issue, the likely loss or severe reduction of the important trees on and by the site would unacceptably diminish the sylvan setting of the appeal dwelling, to the detriment of the Gregory Close street scene and the sense of place.
12. The single storey back extension would reflect the form of the existing back outshoot. Whilst it would barely be seen from the nearby street, and it would replace the existing conservatory, there is insufficient evidence to show that it would not be likely to harm the nearby tree in G1.
13. Therefore, I consider that the proposal would harm the character and appearance of the surrounding area. It would be contrary to LP Policies CH2 and CH3 which seek respect for context and high quality design, the SPD which advises that side extensions are prominent and that the junction of a side extension with the existing building should be considered and resolved through good design, and the Framework which seeks well-designed places.

Other matters

14. Whilst the proposal's benefits would include jobs during construction, they would not outweigh the harm identified in the main issues.

Conclusion

15. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
16. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR