



Appeal Decision

Site visit made on 19 March 2025

by **Martin Andrews MA(Planning) Bsc(Econ) DipTP & DipTP(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 April 2025

Appeal Ref: APP/Q3820/D/25/3360636

11 Leonardslee Court, Forestfield, Furnace Green, Crawley RH10 9PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Abroba Kojo Mensah against the decision of Crawley Borough Council.
 - The application Ref. is CR/2024/0478/FUL.
 - The development proposed is the erection of a single storey front extension to infill the existing courtyard area and a single storey rear extension.
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Decision

1. The appeal is **dismissed** as regards the front extension and **allowed**, with planning permission granted for a single storey rear extension at 11 Leonardslee Court, Forestfield, Furnace Green, Crawley RH10 9PW, in accordance with the terms of the application, Ref. CR/2024/0478/FUL, and the plans submitted with it (insofar as relevant to this part of the proposed development) subject to the conditions in the attached Schedule.

Main Issues

2. The main issues are (i) the effect of the proposed front extension on the character and appearance of the host dwelling, its surroundings and the Forestfield and Shrublands Conservation Area, and on the living conditions for the occupiers of No. 12, and (ii) the effect of the proposed rear extension on a protected oak tree.

Reasons

3. Turning firstly to the proposed front extension, the Officers Report explains that the appeal dwelling is designed as a small but nonetheless integral part of a late 1960s / early 1970s development, since designated in 1998 as a Conservation Area. This designation is warranted because of its special features that include '*architectural style, materials, building layout, relationship between building and landscape, vehicular and pedestrian segregation and orientation*'.
4. The proposed front extension would adjoin one of the pedestrian thoroughfares with its regular pattern and the addition, although small, would be a noticeable change to this part of the public realm. The extension would have a depth of 3.5m and a width of 3.1m and although of the same height and flat roof as the existing front projection it would wholly infill the courtyard terrace and interrupt the uniformity of the street scene, which is an important feature of the estate layout. In addition the fenestration would differ from the existing building, thereby increasing the harm to the character and appearance of the host dwelling and its surroundings.

5. The Notice of Refusal also refers to an unacceptable effect on the living conditions for the occupiers of No. 12. This would be caused by the closing down of the perception of space that currently separates No. 11 from the front living room window of this neighbour. And given the high density of the development, I consider that even a relatively modest increase in wall height would have a noticeable effect on outlook and light from No. 12's two windows, as in part illustrated by the breach of the 45 degree rule for the narrow window.
6. The grounds of appeal refer to other similar front extensions, but as these are unauthorised I give them little weight and note that the Council has referred to potential enforcement. The exception is the allowed appeal at No. 14. This was in 2017 and the Officer's report refers to subsequent relevant changes in local and national policy. Furthermore, as an end of terrace and corner property the setting of No. 14 is materially different to the mid-terrace No. 11 and I note that the Inspector refers to *'the sense of spaciousness that currently exists on the corner...'*
7. On this issue, I find that the appeal proposal would cause harm to the character and appearance of the Leonardslee Court street scene and 'less than substantial harm' with no compensatory public benefit to the Forestfield and Shrublands Conservation Area. This part of the appeal scheme would therefore conflict with Policies CL2, DD1, HA1 & HA2 of the Crawley Borough Local Plan 2023-2040 adopted in 2024 ('the Local Plan'); the Council's Urban Design SPD 2016 ('the SPD'), and with Government policy in Sections 12 & 16 of the National Planning Policy Framework, revised December 2024 ('the Framework').
8. Turning to the second main issue, this relates only to the potential impact of the proposed rear extension on a protected oak tree in the north east corner of No. 11's rear garden. In the Council's view the extension would add further pressure to prune the tree or remove it. However, the tree is already significantly constrained by the existing dwelling and in my opinion the net effect of this small addition would be marginal rather than substantive as to future pressure.
9. As regards actual impact, Section 6 of the submitted Arboricultural Impact Assessment and Method Statement ('the tree report') states that no facilitation pruning of the tree will be required and that a clearance of two metres from the crown is generally considered acceptable, which is the case in this appeal. As the tree is the subject of a Tree Preservation Order the Council will have control of requests for any proposed tree works and in my view the tree provides a level of amenity that will enable it to successfully resist any proposals for its removal or injudicious pruning. The Council has also suggested conditions to protect the tree during the construction period which will carry forward the technical advice and recommendations of the tree report.
10. Accordingly, on this issue I find that there need be no conflict with Local Plan Policy DD1, the SPD and paragraph 136 of the Framework. I shall therefore allow the appeal insofar as it relates only to the proposed rear extension. In addition to the aforementioned tree protection conditions, a condition stipulating matching external materials will safeguard visual amenity, whilst a condition requiring the development to accord with the approved plans is needed for certainty.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted, namely the single storey rear extension, shall begin not later than three years from the date of this Decision;
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted, namely the single storey rear extension, shall match those used in the existing building other than as indicated on the approved plans;
- 3) The development hereby permitted, namely the single storey rear extension, shall be carried out in accordance with the following approved plans insofar as they relate to that part of the application: Site Location Plan; Drawing Nos. MS19101; MS19102; MS19103; MS19104; MS19105; MS19106;
- 4) Prior to any works being undertaken to implement the proposed single storey rear extension, details including sectional drawings and specifications of the proposed foundations shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details;
- 5) Prior to any works being undertaken to implement the proposed single storey rear extension, the tree protection measures shall be implemented and subsequently maintained in accordance with the Arboricultural Impact Assessment and Method Statement dated 22nd October 2024 and the associated Tree Protection Plan (drawing number AATPP11LE) during the time the proposed single storey rear extension is being constructed. Within the areas to be fenced off as required, the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off area they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.