



Appeal Decision

Site visit made on 22 September 2010

by **Doug Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Decision date:
15 October 2010

Appeal Ref: APP/C3810/D/10/2134475

Thomas Cottage, Wepham, Arundel, West Sussex BN18 9RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr David Bellman against the decision of Arun District Council.
- The application (Ref. B/14/10), dated 19 May 2010, was refused by notice dated 14 July 2010.
- The development proposed is the erection of a tree house in rear garden of property on a stilted platform.

Decision

1. I dismiss the appeal.

Procedural Matters

2. I use the Council's description for the proposed development as it is more precise than the application form.
3. The development has been completed; this does not alter the way I shall deal with this appeal.

Main Issue

4. I consider that the main issue is the effect of the proposal on the character and appearance of the locality.

Reasons

5. The appeal property is a listed cottage set in a village of attractive quiet rural character with homes of generally pleasing and varied nature and significant landscape providing a settlement appearance of high quality. The site is within the Burpham and Wepham Conservation Area and the South Downs National Park. The dwelling has a long rear garden leading down to a field; the structure is at the end of the garden and I agree with the Council that the separation from the cottage means there is no adverse impact on the listed building itself.
6. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area and protection of landscape quality is a key objective within National Parks. Policy AREA2 of the Arun District Local Plan (LP) largely reflects S72(1) of the Act. LP Policy GEN7 aims to protect the quality of the environment by ensuring schemes are of high quality design being, amongst

other things, respectful of their setting, protecting of sensitive areas and enhancing local distinctiveness.

7. The visibility of the structure will vary through the seasons and I note that new planting may to a degree help screen the form of the tree house over the longer term. However, its siting is right at the rear periphery of the property which opens out in farmland and views across this are available from public vantage points. To a degree in summer, but certainly in winter months when leaves are not on the 'host' and other nearby deciduous trees, this significantly elevated structure would be prominent in the rural scene. I agree with the appellant that this row of generally well screened residential properties offers a limited number of elements such as sheds and decking which do not add positively to the visual aspect but I do not see this as a reason for allowing further development which, as I shall explain, is intrusive.
8. This proposal is not a whimsical, informal, rough timber, low key structure which one might imagine a tree house as being. It is a precisely constructed, regular shaped, smooth-timbered, pitched roof structure more akin to a suburban summer house. Furthermore, it does not rest comfortably within the boughs of a tree; rather it is elevated on precisely positioned stilts and partly surrounded by elevated decking. It is a masterpiece of construction, and I can entirely see its attraction to the appellant with the family fun element and sublime views offered across to Arundel, but sadly it is completely alien to its rural landscape setting. I do sympathise with the appellant over the time and trouble this construction has taken and the mis-understandings over permitted development, coupled with some officer encouragement which was seemingly given pre-application, however I do have to determine the scheme in the same way as I would if this proposal was on a plan, unbuilt.
9. I conclude that the proposal has an unacceptable adverse effect on the character and appearance of the locality. It runs contrary to the protection of the Conservation Area and National Park sought within S72(1) of the Act and relevant national policy cited by the appellant and Council. It conflicts with LP Policies AREA2 and GEN7. I therefore dismiss the appeal.

Doug Cramond

INSPECTOR