



Planning Support Statement

Thomas Cottage, 104 The Splash,
Wepham, BN18 9RG

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Part Retrospective application for retention of reduced size and redesigned Tree House in rear garden of property on stilted platform

at

Thomas Cottage, 104 The Splash, Wepham, BN18 9RG

Planning Statement

on Behalf of

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August 2010

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1. Introduction

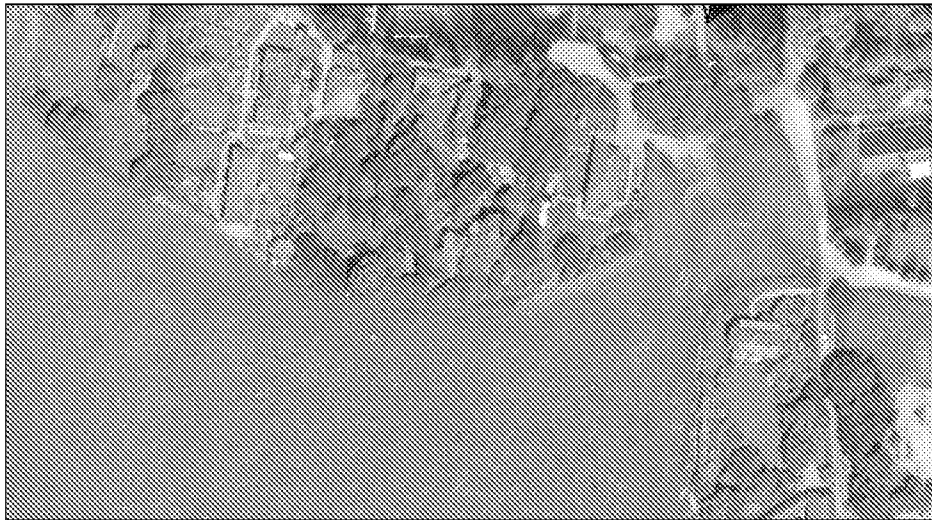
- 1.1 This planning application (part retrospective) has been prepared on behalf of David Bellman ("the applicant") in support of his application to retain a reduced scale and amended design of treehouse in the rear garden of his property; Thomas Cottage, 104 The Splash, Wepham, BN18 9RG ("the Site").
- 1.2 The background to this matter is as follows. In 2008 the Applicant applied for planning permission for a tree house in the same location as that which is the subject of this revised application (ref B/9/08). On advice from Council Planning Officers at that time, he then withdrew the application on the basis that what he proposed was too large. Planning officers advised him that provided the tree house had a cubic content of less than 10m³ measured externally and was less than 4m high, he would not require planning permission as it would fall within his permitted development rights.
- 1.3 In early 2010, the Applicant constructed the treehouse on the advice he had received in 2008 from the Planning Officers. He did so, unaware that since then the Town & Country Planning (General Permitted Development) Order had been amended so as to preclude the development which he had carried out, crucially because the tree house is within the curtilage of the Grade II listed Thomas Cottage. The tree house was therefore erected in good faith, in the mistaken belief that planning permission was not required.
- 1.4 In response to a request from Arun District Council, the Applicant submitted a retrospective planning application for the tree house (ref B/14/10) in May 2010.
- 1.5 This application was refused by the Council on 14 July 2010 for the following reason:

'The proposed tree house by reason of its size and unacceptable domestic design more akin to a summerhouse together with its significant elevated height and positioning on the boundary of the site results in a highly visible form of development unacceptable in design terms failing to preserve or enhance the character of the Conservation Area in addition to which it is considered to be detrimental to the visual amenities of and represent an undesirable intrusion into the countryside and National Park. The proposal is thereby contrary to Planning Policy Statement 7 (PPS7) 'Sustainable Development in Rural Areas', Planning Policy Statement 1 (PPS1) 'Delivering Sustainable Development' and policies GEN3, GEN7 and AREA2 of the Arun District Local Plan.'

- 1.6 Interestingly, whilst the need for the application was merely triggered by the fact that the host property is a Listed Building, the reason for refusal does not consider the impact of the development on the setting of the Listed Building to be harmful.
- 1.7 The Applicant was genuinely surprised by the refusal, because at all times during his discussions with the Council about the application he had been led to believe that they were looking favourably on the development, and this view is certainly supported by the consultation responses received by the Council on the application.
- 1.8 Subsequent to the refusal of the application by Arun District Council the decision was appealed. Unfortunately, despite the Inspector finding the treehouse a 'masterpiece of construction' the appeal was dismissed (see Decision at Appendix A)
- 1.9 This application therefore seeks revisions to the setting, scale, appearance and form of the treehouse to address the concerns of both the Planning Authority and Planning Inspector.
- 1.10 The applicant has received a formal request in writing from the Council requesting the removal of the structure by 15 December 2010, however it is hoped that this revised proposal will be considered favourably and the amendments to the structure can be undertaken to address the concerns of the previous determining parties.

2. The Site and Surroundings

- 2.1 The Site is situated on the southern boundary of Thomas Cottage, 104 The Splash, Wepham, BN18 9RG. Residential properties surround the site, with a terrace of properties immediately to the west of the site and a series of detached and semi-detached properties transcending east -west to the south of The Splash.
- 2.2 The area is rural fringe in character with many properties and outbuildings clearly open to views from the south. This view is supported in the officer's delegated report and Inspector's decision notice. The area is clearly developed in a domestic manner and there is no strong visual separation between the adjacent field and the residential curtilages to the majority of the properties located south of The Splash as indicated clearly on the aerial image below;



Aerial image of appeal site and surroundings. Courtesy of Googlemaps

- 2.3 The Site is located within the South Downs National Park and the Burpham and Wepham Conservation Area. Thomas Cottage itself is a Grade II listed building with a detached double car barn to the rear of the dwelling, a greenhouse and two further sheds in the rear garden.
- 2.4 The rear boundary of the Site is delineated with a metal stock fence and a significant number of saplings recently planted to replace trees which had previously had to be removed, because of their poor and hazardous condition and to link in with existing vegetation to the north and east. To the West there are various mature trees, timber fencing varying from 1-2m high and a hazel wattle hurdle fence approximately 2m high. With such mature trees reinstated the tree house would not be perceptible from wider views.

- 2.5 The tree house is constructed in and around an existing, mature tree, with many other large trees surrounding the site (see photographs at Appendix B).

3. Relevant Planning History

- 3.1 B/14/10 – Tree house to rear of the property garden. Refused 19 May 2010. Appeal in relation to above application ref;APP/C3810/D/10/2134475 Dismissed October 2010.
- 3.2 B/9/08 – Tree house to rear of the property garden. Withdrawn 04.9.2008 As stated previously this application proposed a significantly larger structure that was deemed to be unacceptable by the Council.
- 3.3 B/1/08/TC – Tree surgery work – no objection from Council.
- 3.4 Several other structures have been permitted within the curtilage of Thomas Cottage as set out in the delegated officer report.
- 3.5 Also considered relevant to this appeal are recently permitted alterations to Perryvale, a semi-detached property situated approximately 150m south-east of the Site and clearly visible in the context of the South Downs National Park. Application **B/12/09** proposed development in the form of an infill extension, alteration to fenestration and most pertinent to this appeal; the formation of a raised deck area. These works were approved and the decking area constructed as shown clearly on the photograph at **Appendix C**.

4. The Tree House

- 4.1 The previous application proposed the retention of a modestly scaled, wooden tree house and stilted platform within a mature sycamore tree. The tree house was carefully designed to be assimilated within the existing form of the tree and does not harm the host tree. The maximum height of the tree house is 4.6m above ground level, with the platform situated 1.9m above ground level. Both the platform and tree house are narrower in form than the canopy of the tree itself.
- 4.2 This revised tree house incorporates the following changes, detailed fully on the submitted plans and indicative photographs;
- **Reduction in height of tree house from 6m to 5.2m.**
 - **Reduction in scale of raised platform by over 4sqm (27%)**
 - **Removal of 3 no. stilts and 2 no diagonal supports**
 - **Insertion of shutters to doors and windows**
 - **New planting to boundary**
- 4.3 The tree house, platform and stairs are all constructed from sustainably sourced softwood. This will weather with time to produce a natural colour that will be very similar to the mature bark of trees surrounding the tree house.
- 4.4 This subsequent application proposes significant alterations to the treehouse to reduce its scale and height and produce a more whimsical structure that is assimilated fully into the host tree (see Appendix D).
- 4.5 The tree house is surrounded by existing trees and vegetation and further planting around the retained platform stilts will provide a visual screen to the structure when viewed from outside of the site. The applicant has planted a mix of climbing flowering plants, variegated ivy's and fast growing bamboo. In addition to the existing screening, this application proposes the planting of further boundary screening in the form of 3 x Copper Beech specimens that will measure a minimum of 3.2m in height, which when planted will screen all of the stilts, raised platform and half way up the timber enclosure above.
- 4.6 The tree house is clearly subordinate to the tree as well as the main dwelling on Site.
- 4.7 The revised structure has been very carefully redesigned to be assimilated into the natural landscape and surrounding trees and vegetation and the new

planting to the southern boundary will in future provide a complete visual screen to the Site when viewed from outside.

5. Planning Policy Context

5.1 A key role of the planning system is to regulate the development and use of the land in the public interest. At the heart of the planning framework are statutory Development Plans which seek to guide the decision making process. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that, where the Development Plan contains relevant policies, an application for planning permission should be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

5.2 In this case, the Development Plan comprises the Arun District Local Plan (Adopted 17 April 2003) This section demonstrates how the tree house complies with national and local planning policy.

National Planning Policy

PPS1: Delivering Sustainable Development (2005)

5.3 This Policy Statement confirms the Government's commitment to sustainable development, stating that it is the core principle underpinning planning. PPS1 states that the following aims should be pursued (para. 4):

- social progress which recognises the needs of everyone
- effective protection of the environment
- the prudent use of natural resources
- the maintenance of high and stable level of economic growth and employment

5.4 PPS1 requires that developments respond to their local context and create or reinforce local distinctiveness (para 36). The tree house has been designed in respect of its rural fringe location complementing fully the landscape and existing development.

PPS5 Planning for the Historic Environment (Adopted 23 March 2010)

5.5 This document provides up to date guidance on dealing with planning proposals that affect the Historic Environment.

5.6 Particular emphasis is placed on 'Heritage Assets' defined as '*A building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets are the valued components of the historic environment. They include designated heritage assets (as defined in this PPS) and assets identified by*

the local planning authority during the process of decision-making or through the plan-making process (including local listing).'

- 5.7 The tree house is situated within the Burpham and Wepham Conservation Area and within the grounds of a Grade II listed property. The tree house is not however considered to have any adverse impact on these Heritage Assets and will sustain their character and appearance meeting fully the objectives defined in this guidance. This view is supported by the consultation response of West Sussex County Council's Conservation Officer who commented on the original proposal; "It is a pretty tree house that does not adversely affect the setting of the listed building. Permit" (Appendix B).
- 5.8 The Inspector considered that the structure would have no impact on the Listed Building and therefore consideration should be given only to the impact of the development on the character and appearance of the Burpham and Wepham Conservation Area.
- 5.9 The reduced scale and revised form of the tree house will mean it is assimilated into the host tree. The removal of a large area of raised platform and stilts/supports reduces significantly the visibility of the structure from outside of the Site and it is our considered view that the revised structure would fully sustain the character and appearance of the Conservation Area.
- 5.10 No objection was raised by the Conservation Area Advisory Committee when consulted on the previous application yet despite this, and the view of the County Council's Conservation Officer, the reason for refusal refers to the impact on the Conservation Area. It is now considered that the reduced scale and redesign of the proposal would not lead to a justifiable objection on the grounds of its impact on the Conservation Area.

Planning Policy Statement 7; Sustainable Development in Rural Areas.

- 5.11 The conservation of wildlife and the cultural heritage of National Parks is a key objective of this guidance, placing emphasis on the protection of their landscape and scenic beauty. *'The conservation of the natural beauty of the natural landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas'*
- 5.12 The tree house respects its setting within the designated landscape and defers fully to the character and appearance of the surrounding countryside. In its amended form it is considered that it would be indiscernible in wider views and assimilated fully into the boughs of the host tree. As such it is considered to have no adverse impact on the wider landscape within the National Park when seen in the context of existing domestic/residential development on the fringe of the hamlet of Wepham. This aspect will be discussed further in the Appraisal section of this statement.

Local Plan Policies

- 5.13 *Policy GEN3* relates to the protection of the Countryside, providing general guidance with regard to new development. Whilst the Site is located within the countryside, it is not considered that this policy can be applied as generally as the Council have sought to do so to in this particular case, where the development has taken place within the curtilage of a residential property.

Policy GEN7 The Form of New Development states; Planning permission will only be granted for schemes displaying high quality design and layout.

- 5.14 The revised scale, form and design of the tree house is considered to represent a high standard of design; taking full account of the visual character and appearance of the local area and will have no adverse impact on the surrounding landscape meeting fully the objectives of this policy.

- 5.15 *Policy AREA2* relates to development within or affecting the character, appearance or setting of Conservation Areas. It is not considered that the amended tree house adversely affects either the character, appearance or setting of the Burpham and Wepham Conservation Area, for the reasons set out at paragraphs 5.5. – 5.8. This view was supported by the Conservation Area Advisory Committee and the Conservation Advisor at WSCC in relation the original and larger structure.

6. Appraisal

6.1 The principal issues in relation to the Appeal are:

- Design, character and appearance of the tree house
- Impact of the tree house on the visual character of the locality

Design, Character and Appearance

6.2 The Applicant put considerable thought into the design of this tree house, using sustainable softwood which will weather down along with careful planting. The tree house is of a modest size and not over dominant.

6.3 The appearance is of a timber clad building in a raised position. The Council's and Inspectors assertions that it looks like a "summerhouse" has in my view no bearing on the impact on its setting.

6.4 The tree house has been significantly reduced in height, scale and amended in its appearance in response to the Inspectors comments to create a lower, smaller and more whimsical structure that would sit within the boughs of the host tree. It is considered that by reason of its amended scale, design and appearance it is completely at ease with its setting (a residential curtilage) and has no adverse visual impact.

6.5 The tree house is located on the southern boundary of the site, within the crown spread of a mature sycamore tree. Given the removal of over 4sqm of platform and 3 no. stilts and 2 no. struts the visibility of the structure is significantly reduced from the key viewpoints to the south and west. The further planting to the rear boundary around the structure will also assist in reducing the visibility of the structure.

6.6 The treehouse itself sits within the main boughs of the host tree, clearly within the existing crown of the tree that screens it from outside of the site. The most visible elements of the existing structure are clearly the raised platform itself and the stilts/supports to the south west of the structure as shown on the submitted photographs. The revised proposal targets this area in respect of the reduction in raised platform area by over 4sqm and the removal of the associated stilts/struts. The impact of the removal of such fabric is to physically reduce the visible envelope of the structure from views outside of the site.

6.7 The removal of the roof top feature reduces the height of the structure by 800mm, reducing the scale of the development whilst removing features that lead to a less defined and more whimsical (and less "Summerhouse" in style) structure.

6.8 The introduction of timber shutters to all glazing on the windows and doors facing south, east and west will further reduce the 'summerhouse' appearance of the structure, introducing a more informal structure within the bough of the tree.

6.9 There is also a line of mature trees directly to the east of the site and a line of newly established trees directly abutting the boundary of the site. These immature trees will in time provide significant screening to the site, extending further west the existing mature tree line to the east of the site.

Impact on visual character of the locality

6.10 The Officers Report and Decision Notice refer to the tree house being '*highly visible*' which is considered to be '*detrimental to the visual amenities of and represents an undesirable intrusion into the countryside and National Park.*'

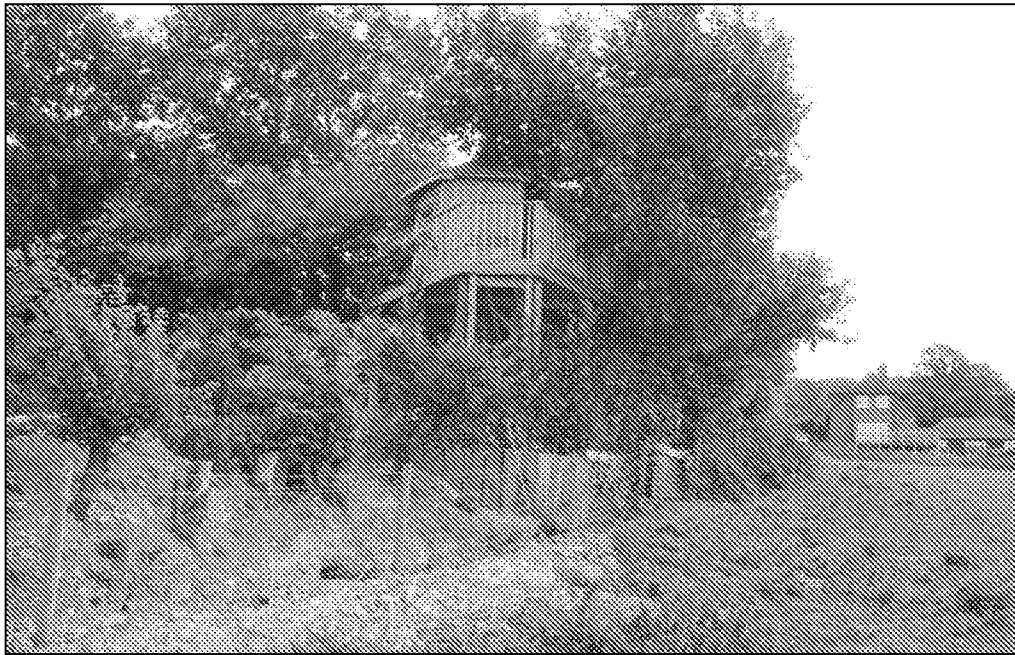
6.11 There are immediate views of the tree house from neighbouring properties to the south, east and west of the site and the adjacent field. In this regard, the proposal is visible in the context of existing residential/domestic development on the south side of The Splash. The obvious presence of dwellings immediately to the west of the site ensures that the character of the local area is maintained and the development is seen fully in this rural fringe context.



View north toward appeal site showing tree house in context of existing residential/domestic development.

6.12 The above photograph shows clearly the areas of the treehouse that have the greatest visibility as existing. The removal of over 4sqm of the raised deck area and supporting stilts/struts will place the treehouse entirely within the boughs of the tree and behind existing vegetation.

- 6.13 Arun District Council have recently permitted works to *Perryvale* to the east of the site. This highly visible dwelling (see photograph below) has now been extended with a raised decking area (some 2.3m above ground level) which is highly visible and much more open to views from the countryside to the south and west of the site. It is contended that the revisions to the tree house would result in a structure which is far less visible in the landscape than the previously permitted Perryvale development.



View north-west from field toward Perryvale showing the new decking permitted under ref B/12/09 and tree house in context.

- 6.14 The photograph above shows the tree house from the adjacent field, indicating clearly how the proposed revisions will lead to the structure being assimilated fully into the existing tree screening, having no adverse impact on the wider landscape. The smaller trees to the foreground of the photograph will establish quickly to provide a robust visual screen to the tree house, completely removing it from even localised views.
- 6.15 In respect of longer views, the Council must assess only the impact of the tree house on the character and appearance of the Conservation Area and South Downs National Park. In this regard, in more distant views of the development from the south it would be almost impossible to pinpoint the development by reason of the small scale of the proposal and the considerable vegetation screening and backcloth afforded by the mature trees on the site. The reduction in platform scale and removal of the supporting stilts and struts will reduce significantly the visual envelope of the structure, placing it entirely within the boughs of the tree.

6.16 In assessing the harm of such a development on the wider landscape the difficulty in locating the development in public views beyond the neighbouring field clearly indicates how unobtrusive the structure is. As such the tree house has no adverse impact in respect of its setting within the Conservation Area and National Park.

6.17 The photograph of the existing structure below was taken approximately 250m south-east of the site, showing clearly how difficult it is to differentiate the tree house from the existing proliferation of dwellings and domestic outbuildings that characterise this rural fringe location. The revised tree house would be assimilated fully into the host tree and would have no adverse impact on the character and appearance of the Conservation Area or South Downs National Park.



Photograph looking north-west toward appeal site.

6.18 Any longer distance views will provide a far wider landscape context in which to review the tree house and by reason of the; minor nature of the development, it's unobtrusive form, reduced scale and appearance and the fact that it would be subsumed by natural vegetation the impact would be difficult to perceive. This is clearly shown on the photograph below.



View north from The Conyers toward appeal site. Note footpath sign to right of image.

- 6.19 Overall the revisions to the height, scale and design of the tree house, coupled with new planting to the southern boundary is considered to address the previous concerns of the Council and Planning Inspector and will result in a development that will have no adverse visual impact on the setting, character or appearance of the Conservation Area or South Downs National Park.

7. Conclusions

- 7.1 Overall, this revised tree house is considered to have no adverse impact on the setting of the Burpham and Wepham Conservation Area or the South Downs National Park.
- 7.2 The revised tree house is a small scale and less defined structure that has been carefully re-designed, reduced in scale and sited to ensure that it is assimilated fully into the natural landscape. The parent tree and mature vegetation directly adjacent to the structure provide significant visual screening and a backcloth to the tree house. This ensures that it is subsumed into the boughs of the host tree and existing, natural landscape. Shuttering the glazed elements (to the south and west) will provide for a simple, informal timber structure that is fully in keeping with its environment.
- 7.3 New planting to the southern boundary and around the structure of the tree house will immediately provide further screening to the proposal and restrict views of tree house from outside of the site.
- 7.4 The site is not located in open countryside and the immediate locality is characterised by the presence of dwellings and outbuildings of many scales and forms. The presence of a tree house is not considered to be incongruous in any way and will be viewed only in the context of neighbouring development, having no adverse impact on the overall character and appearance of the area.
- 7.5 Officers of the Council were initially supportive of the tree house, and the Applicant was surprised when his application was refused.
- 7.6 In conclusion, the tree house has no adverse impact on the visual amenities of the South Downs National Park or the Burpham and Wepham Conservation Area and is not an undesirable intrusion into the countryside or National Park. It causes no harm to the character and appearance of the locality and, therefore, accords with planning policy and guidance. We therefore hope that you will be able to support this revised application.