

Report of the meeting of the Development Control Post-Committee Site Inspection Panel held on

REF NO: B/36/10/

LOCATION: Thomas Cottage
104 The Splash
Wepham

PROPOSAL: Revisions to tree house refused under reference B/14/10

Present:- Councillors Mr Haymes (Chairman), Biss, Bower, Mrs Goad, Mrs Hall, Mrs Harrison

The planning merits of the application were discussed in detail at the site visit with regard to the effect of the proposal on the rural landscape within the South Downs National Park.

At the meeting Members were informed of a letter received from National Park which reads;

'Thank you for providing the SDNPA with the background to this case. I have now reviewed the position and have placed particular weight on the recent appeal decision, which in conclusion states:-

"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".

I see no justification whatsoever from departing from this very recent decision (October 2010) and the South Downs National Park Authority wishes to support the recommendation of refusal and the enforcement action that should be pursued. I note that the Conservation Area Advisory Committee is also of this view. I also note that some minor changes have been made to the structure in this latest application, but these do not address the fundamental objections.

I would be grateful if you would advise your Members of this view and of the need to ensure that the objectives of the National Park are met. I am also of the view that the recent appeal decision is a particularly relevant and strong consideration and that it should only be set aside if there are strong and compelling reasons for doing so. In my view, these simply do not exist.'

Members unanimously voted to agree with the Officers recommendation as stated within the accompanying report namely to refuse the application.

REPORT UPDATE

Application No: B/36/10/

Reason for the Update / Changes

AGENDA PAGE NO.90

Reason for Update/Changes:

Correction to report under 'DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND' heading, substituting the word 'conflict' in lieu of 'comply' within both Planning and Listed Buildings and Conservation Area sections.

Consultation Response:

Conservation Area Advisory Committee:

- Not in keeping and too large
- Support the comments of the Planning Inspector

Officers Comments:

Consultation response noted

An amended report reflecting the above correction has been attached to this update.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

B/36/10/

PLANNING APPLICATION REPORT

REF NO: B/36/10/

LOCATION: Thomas Cottage
104 The Splash
Wepham

PROPOSAL: Revisions to tree house refused under reference B/14/10

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The overall height of the structure would be approximately 5.2m, the enclosed area would measure 2.4m in width x 2.9m in height. The tree house would be accessed by timber stairs to the east of the structure.
SITE AREA	Approximately 1609 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A

TOPOGRAPHY	Site stepped up from highway. Sloping down from east to west.
TREES	The tree which the structure is constructed around. Many other trees within the site and on adjoining boundaries.
BOUNDARY TREATMENT	Rear boundary, metal wire fencing. West boundary, various mature trees, timber fencing varying from 1-2m high. West boundary, hazel wattle hurdle fence approximately 2m high. Front boundary, flint wall approximately 1.4m high. Timber fencing some 1m high enclosing pond area within rear garden.
SITE CHARACTERISTICS	Detached 2 storey, Grade II Listed Building, exposed timbers and render elevations, thatched hipped roof. Single storey section to north elevation forming section of the front boundary of the site. Detached single storey building to east of dwelling, slate roof and timber clad elevations. Detached double car barn to rear of dwelling, greenhouse and 2 existing sheds in rear garden.
CHARACTER OF LOCALITY	Sited within a rural area, residential properties surrounding the site. South Downs National Park and Wepham Conservation Area. Terraced dwelling to the west of the site, detached dwelling to the east. Open fields to the rear of the site.

RELEVANT SITE HISTORY

B/16/01/	Partial demolition, extension and alterations to listed residential property.	Refused 24-12-2001
B/5/02/	Conversion of existing building within curtilage of listed building to provide ancillary accommodation and relocation of existing greenhouses.	Approve Cond 17-04-2002
B/28/02/	Proposed barn style car port	Approve Cond 19-11-2002
B/9/08/	Treehouse to the rear of the property garden.	Withdrawn 04-09-2008
B/1/09/	Application for variation of Condition 2 imposed under planning reference B/5/02/ to allow use of annex for holiday lets.	Approve Cond 23-03-2009
B/15/10/	Replacement fence on eastern border, erection of greenhouse, erection of garden shed	Approve Cond 12-07-2010

B/14/10/

Erection of tree house in rear garden of property on a stilted platform

Refused

14-07-2010

**Appeal: Dismissed
15 10 2010**

CON/103/10/ Alleged unauthorised tree house

REPRESENTATIONS

Representations received:

Burpham Parish Meeting

Support:

The proposal is to alter the tree-house to that previously approved by reducing its overall height as well as the size of the platform to sit within the canopy of the tree with additional tree planting to screen the structure. Already the woodwork has faded so that it is barely visible from the road up to Wepham. Only one neighbour has objected, with the others generally supportive.

9 Letters of support:

- Nothing unsightly about the appearance of the tree house
- It is invisible from Burpham Lane
- Used for viewing vast and diverse range of birds and animals in the fields and hedgerows adjacent to the house
- Does not obstruct nor overlook neighbouring properties
- Decking to neighbouring properties is more prominent than the proposal
- Attractive, sympathetic structure which is only viewed from close proximity
- No adverse impact upon the local area
- Reduction in scale are acceptable
- Its removal would be a major loss to the area
- Previous application, recommendation for approval made and subsequently refused.

1 Letter of objection:

- Objection based on Design and Access Statement and Planning Statement
- Reductions and amendments to design and scale are minimal
- The structure would still appear unacceptably prominent
- The proposed 3.5m Copper Beech screening would not screen the structure of some 5.2m in height
- Agree with the previous planning Inspectors decision that the structure fails to enhance or preserve the Conservation Area, and is an unacceptable intrusion into the countryside and National Park.

Comments on Representations received:

COMMENT ON PARISH RESPONSE:

Comments are noted.

COMMENT ON OTHER REPRESENTATIONS:

The proposed amendments to the design and scale of the tree-house are minimal. The structure is domestic in its appearance, prominent in its siting close to the rear boundary of the site adjoining open countryside and clearly visible within the locality. The proposal forms a structure on stilts which is not in keeping with its rural location and considered as an unacceptable intrusion into the National Park. The officers recommendations is often requested by applicants and agents and whilst it maybe positive a recommendation is just

that and therefore can be changed by the deciding officer.

CONSULTATIONS

Conservation Area Advisory Com

Consultations responses received:

CONSERVATION AREA ADVISORY COMMITTEE:

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Outside the built-up area boundary

Conservation Area

South Downs National Park

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN3](#)
[GEN7](#)
[AREA2](#)

Protection of the Countryside
The Form of New Development
Conservation Areas

PLANNING POLICY GUIDANCE

PPS1
PPS7
PPS5

Delivering Sustainable Development
Sustainable development in rural areas
Planning for the Historic Environment

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity and the character and appearance of the Conservation Area and Listed Building.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality as well as that of the established character of the surrounding area and National Park.

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to conflict with these criteria in that it is considered to materially affect

the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

BACKGROUND

The proposed application seeks permission for a tree-house on a raised platform within the rear garden of the site. The proposal is for amendments to a previously refused structure which was dismissed at appeal, B/14/10 refers. The tree-house is located in the south-east corner of the rear garden. The site is located within the Burpham and Wepham Conservation Area and the dwelling is a Grade II Listed Building. The Conservation Area in which it is located is rural in its appearance and whilst raised decking areas are noted in the locality, with particular reference to a neighbouring property Perrvale, this is a different form of development and therefore is not comparable.

The Local Authority's previous view on the structure was that the tree house was excessively large and overly domesticated in appearance. The tree-house continues to appear as a domestic summerhouse supported upon highly engineered stilts.

With regards to the previous appeal, the appeal Inspector concluded that the elevated structure would be prominent in the rural scene and whilst various elements such as sheds and decking, which do not contribute to the appearance of the area, are noted this no reason to allow this intrusive form of development. The Inspector further stated that "it was 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; but rather it is elevated on precisely positioned stilts and partly surrounded by elevated decking." It is a masterpiece of construction, which is alien to its rural landscape setting.

DESIGN

The alterations proposed are a minor attempt to reduce the scale of the structure but do not ultimately change its form and appearance. Changes in design are minimal and changes in scale are equally minor. Consequently the revised tree house remains a highly engineered building on stilts and not a tree house in the traditional sense which sits within the boughs of a tree. Therefore in accordance with the Inspectors appeal decision the revised tree house remains an engineered and alien structure, unacceptable in design terms and detrimental to the character and appearance of the locality.

VISUAL AMENITIES

The siting of the tree house remains close to the boundary which is highly exposed due to the boundary being formed by low level post and wire fencing. As set out above the alterations to the tree house are minimal and the tree house would remain highly visible when viewed from the surrounding countryside particularly in winter months when there is a complete lack of foliage. The proposal would appear as a harmful intrusion in the countryside and represents an undesirable form of development within the National Park which should be resisted. The Council is further concerned that the tree house fails to preserve or enhance the rural appearance of the

Burpham and Wepham Conservation Area.

SETTING OF THE LISTED BUILDING

The tree house is sited to the rear of the site some 40m from the Listed Building. There is existing outbuildings surrounding the dwelling which are within close proximity of the Listed Building and due to the greater separation distance the tree house is not considered to impact upon the historic setting of the Grade II Listed Building.

ENFORCEMENT NOTICE

Members should be aware that upon dismissal of the planning appeal the Council allowed a period of two month for the removal of the tree-house. The Applicant failed to remove the structure and in line with the Inspectors conclusions there is a current enforcement notice requiring its removal.

It is therefore recommended that the application be refused for the following reason.

RECOMMENDATION

REFUSE

- 1 The proposed tree house by reason of its size and unacceptable domestic design more akin to a summerhouse together with its significant elevated height formed by engineered columns and positioning on the boundary of the site would result in a highly visible form of development unacceptable in design terms failing to preserve or enhance the character of the Conservation Area in addition it would 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 'Delivering Sustainable Development' and policies GEN3, GEN7 and AREA2 of the Arun District Local Plan.