

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: WA/73/21/HH

LOCATION: Westing House
Barnham Lane
Walberton
BN18 0AZ

PROPOSAL: Erection of tree house

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Retrospective application for a tree house approximately 2m above ground level and at its widest points 3m by 2.8m wide. With a maximum height of 1.75m. Erected within the rear garden of property within a Walnut tree. This application also seeks amendments to the existing structure to include additional screening to the south easterly elevation, alterations to the openings and repositioning of the access ladder to the northern elevation.

REPRESENTATIONS

1 Neighbour objection

- Lack of privacy to bedrooms and rear garden.
- Loss of daylight, development does not conform to 45-degree rule.
- Material not in keeping with area.

Parish Council - No Objection.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

None

POLICY CONTEXT

Designation applicable to site:
BUAB

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

[Walberton Neighbourhood Plan Policy 2019-2031](#) Design Guidance
[HP13](#)

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
-------	---

CONCLUSIONS

PRINCIPLE

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy HP13 of the Walberton Neighbourhood Development plan states that where new development would have an effect on the appearance or character of the surrounding area, it is to be of a high quality of design, and must contribute to local character.

VISUAL AMENITY

The structure is a basic timber construction situated approximately 2m above ground level. Its style and design as a tree house is appropriate for its purposes and it is considered to be an appropriate form of development within the rear garden of a dwellinghouse. The materials it has been constructed of, and will be altered to, can be found in other residential settings in the area.

Its scale is thought to be appropriate when compared to the size of the plot and the host dwelling.

It will not be visible from the street scene and it is seen to have a localised effect on its immediate setting.

Having regard to the design and visual amenity, the proposal is deemed to accord with DDM1 and DDM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The structure currently is an open platform with a small shed like structure atop which currently has openings to the south-east.

To overcome overlooking of neighbouring property this application is proposing changes to the existing structure to remove the south-easterly openings, move the access step ladder and provide solid screening down the easterly/south-easterly sides of the platform. The proposed screening is to be the same height as the existing structure at 1.7m and will therefore block any unwanted views from the platform.

Having regards to overlooking, it is considered that the proposed amendments to the platform to increase screening to the easterly and south-easterly elevations will block any unacceptable views into the neighbouring property. It will be conditioned that the screen needs to remain in place at a level of 1.7m above platform floor level in perpetuity.

No other harmful views out of the structure are believed to be obtainable.

The platform will be located approximately 1.3m away from the boundary with No.1 Barnham Lane, adjacent to an outbuilding which runs along No. 1s boundary.

It is noted that a neighbouring objection has been received and states that the tree house would compromise the 45-degree rule designed to prevent rear extensions from being overbearing or overshadowing neighbouring properties; however, the 45-degree rule is not applicable in this instance because the platform does not form a rear extension. In any instance, the outbuilding within the rear garden of No.1 and runs along its boundary with Westling House, is considered to have a greater impact in terms of overbearing, to the rear westerly rooms of the property as it is located at a much closer distance. As such it is considered that the tree house will not significantly impact No.1 by means of being overbearing.

Again, the tree houses position to the northwest of No. 1 will not negatively impact by means of overshadowing, the rear rooms of No 1 Barnham Lane. Its location means it will predominately cast shadow over the rear garden of Westing House and during the afternoon over the outbuilding of No. 1.

It is therefore considered by virtue of not being overbearing, overshadowing and overlooking that the proposed extensions accords with policy DDM4 (c) of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The alteration of the existing raised structure as set out in plans hereby permitted shall be completed before the expiration of 3 months from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans;

 - Location Plan
 - Block Plan
 - Proposed Plans and Elevations
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and D DM4 of the Arun Local Plan.
- 3 The materials and finishes of the external walls and roof of the structure hereby permitted shall match in colour and texture those of the existing structure.

Reason: In the interests of amenity in accordance with policies D DM1 and D DM4 of the Arun Local Plan.
- 4 The raised structure hereby approved shall be fully screened to the East and South-Eastern sides in accordance with approved plans, the screens shall be retained at a height of 1.7m above platform level in perpetuity.

Reason : In the interests of protecting the privacy of neighbouring properties in accordance with D DM4 of the Arun Local Plan.
- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.