

Application Ref: 12/01563/HHFUL
Proposal: Construction of tree house (retrospective)
Site: Compass Barn, Main Street, Ufford, Stamford
Applicant: Mr Scott Weavers-Wright
Agent: Miss Kate Wood
Site visit: 03.12.2012
Case officer: Mr D Jolley
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E-Mail: david.jolley@peterborough.gov.uk
Recommendation: REFUSE

1 Description of the site and surroundings and Summary of the proposal

Site and surroundings:

The site is to the south-east corner of the large rear garden area of Compass Barns, a converted complex of farm buildings and barns within the Ufford Conservation Area. The tree house lies directly adjacent to the Grade II listed White Hart Public House.

Proposal:

Retrospective permission is sought for the erection of a 'tree house' a garden room on a platform 3.0 metres above ground level with an overall height of 6.8 metres. A smaller satellite platform of 2.4 metres height is linked via a rope bridge to the east.

2 Planning History

Reference	Proposal	Decision	Date
12/01118/HHFUL	Construction of treehouse (Retrospective)	Application Refused	12/09/2012

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

National Planning Policy Framework (2012)

Section 7 - Good Design

Development should add to the overall quality of the area; establish a strong sense of place; optimise the site potential; create and sustain an appropriate mix of uses; support local facilities and transport networks; respond to local character and history while not discouraging appropriate innovation; create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping. Planning permission should be refused for development of poor design.

Peterborough Core Strategy DPD (2011)

CS17 - The Historic Environment

Development should protect, conserve and enhance the historic environment including non-scheduled nationally important features and buildings of local importance.

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

Peterborough Planning Policies DPD (Submission Version 2012)

Whilst this document is not yet adopted, it is at an advanced stage of preparation having been found 'sound' subject to amendment by an Inspector of the Secretary of State. In accordance with the National Planning Policy Framework (paragraph 216), considerable weight can be given to the policies contained within the document in decision-making.

4 Consultations/Representations

Conservation Officer (14.11.12)

The "tree house" is located in a sensitive part of the Ufford Conservation Area, the character of which is worthy of retention. If approved the structure would, by reason of its scale and height, be an obtrusive feature detrimental to the character of the conservation area. The structure harms the setting of the adjacent curtilage listed outbuildings to the Old White Hart Public House and Compass Cottage. Furthermore, if approved it would set an unwelcome precedent for similarly large structures within the conservation area. The proposal is therefore contrary to adopted Policy CS17 of the Peterborough Core Strategy; Ufford Conservation Area Appraisal (2008) and Development in Selected Villages DPD (2011).

Parish Council (21.10.12)

1. This is considered to be an inappropriate development at the very centre of Ufford's Conservation Area. It cannot be considered to be sympathetic to the local building tradition. It does nothing to enhance the general character and appearance of the Conservation Area.
2. It is also outside the village envelope.
3. The claims made in the Design and Access Statement that "it has been designed to minimise the impact on the garden and surroundings and that it blends extremely well" and that it has "the minimum impact on neighbours" are ludicrous:
 - The tallest building is 6.8 metres high. The adjacent stone wall is 3 metres high and it towers another 3.8 metres above it.
 - It can be seen from Main Street, from the gardens of Bluebell and Dovecote Cottages to the north and even from the public footpath known as Clay Lane. It can be seen from the gardens at the top of the hill to the south.

No one would object to a discrete building hidden from public view behind the 3 metre high wall, but this is too tall, too conspicuous and incongruous in the setting of a small stone village. Ufford Parish Council therefore opposes this development.

Landscape Officer (25.10.12)

As the tree house has already been installed, any comment I make is rather moot.

Any issues regarding damage to the tree will be dealt with under the 2012 Tree Preservation Order Regulations.

Local Residents/Interested Parties

Initial consultations: 6
Total number of responses: 2
Total number of objections: 2
Total number in support: 0

1 representation was received in relation to the proposal:

- Effect on Conservation Area
- Effect on landscape
- Effect on Listed Building
- Impact on local community
- Overlooks/loss of privacy
- Unacceptable size/scale

Comments: We have this evening learnt that hedging at Compass Barn is proposed along our boundary. Where do they wish to plant it and for what purpose - presumably not to disguise the tree house as it would be a very large hedge? We do have hedging along that boundary already. I can see no reason for more or no reason why it would counteract the oppositions given by the council in their initial refusal of the retrospective planning request. We appreciate the support of our parish council in that it remains too large and too high and inappropriate in the conservation area and outside the village envelope.

5 Assessment of the planning issues

The main considerations are: -

- The impact of the proposal on the character of the Ufford Conservation Area
- The impact of the proposal on the amenity of the occupiers of neighbouring dwellings

This application is a resubmission of application number 12/01118/HHFUL which was refused due to the harm caused by the visual appearance of the tree house and its harm to neighbour amenity through overlooking. This revised application proposes to delete a window within the tree house and proposes the planting of a hedge to the site's eastern boundary.

An important feature of the Ufford Conservation Area is that from the top of Main Street the fall in land to the north provides panoramic views across and down into the village over traditional roofscapes towards the distant countryside. The character of this area and the buildings within it has been compromised by intrusion of the tree house. This impact is greatest between autumn and spring when there is reduced / no leaf cover to the trees. The tree house undermines the character of this part of the conservation area by way of its incongruous appearance and also because of the harm to views out of the conservation area to the countryside beyond.

The outbuildings to the western boundary of the public house (PH) site are curtilage listed. The rising ground leading to the car park of the grade II listed public house and the stone boundary wall to the west restrict outward views from the conservation area meaning the skyline is strong in views to the east and north. However, the tree house is now dominant in the skyline. The tree house, by reason of its size and height, appears incongruous adjacent to curtilage listed buildings of the PH (Grade II listed). This impact will be exacerbated between autumn and spring when there is little and no leaf cover to the surrounding trees. The tree house is now a dominant feature in this area and harms the setting of the curtilage listed outbuildings.

It is considered that the height and size of the tree house is not typical of structures found in rear

gardens of properties in the conservation area. The structure includes a decking platform, balustrade and windows at a height above the boundary wall and are visually dominant and incongruous in this setting. The height and position of the tree house structure immediately adjacent to the stone boundary wall of the public house and viewed against the skyline creates a visually awkward structure and appears out of place.

The proposed hedging is not considered to be an acceptable solution to the issue of the visual impact of the tree house. There are questions regarding the practical implementation of this mitigation measure, including the length of time it will take to establish the hedging and what might happen if the hedge were to die or be removed by the current or future occupiers of the site. The hedging may also become harmful to the amenity of the occupiers of the neighbouring dwelling once it has reached the necessary height.

To summarise the structure does not enhance or complement the character and appearance of the conservation area. The retention of the tree house would harm the special character of the immediate part of the conservation area. The setting of nearby listed and curtilage listed outbuildings to the Old White Hart Public House and Compass Cottage are harmed.

If permitted the development would also set an unwelcome precedent for similar sized structures in other gardens which would cumulatively have a significant detrimental impact on the visual amenity and character of the conservation area.

The impact of the proposal on the amenity of the occupiers of neighbouring dwellings

The main tree house element is sited upon a 3.0 metre high platform, which permits views into the amenity spaces of neighbouring dwellings to the east. The tree house is sited 30 metres from the rear boundary of the neighbours dwellings, this separation distance would normally be sufficient to mitigate for any overlooking if for example it was a bedroom window of similar overlooking a neighbour.

However in this case, due to the open platform offering unrestricted views and the likely use of the tree house, with people spending extended periods atop the platform, it is considered that the overlooking and the perception of overlooking caused by the extended use of the tree house, by potentially large numbers of people, would be harmful to the amenity of the occupiers of the neighbouring dwellings to the east. This has been raised as an objection by the occupants to the east and this objection is considered to be a material consideration in the determination of the application. The Local Planning Authority acknowledge that there is screening from planting but this screening does not provide complete screening of the neighbours amenity space and habitable room windows and the effect of this screening may be reduced further during the winter months.

The removal of the window does not solve this issue as the platform remains and it is the platform which offers the largest scope of overlooking and nuisance through noise and disturbance. The proposed hedging may eventually block views in neighbouring properties but as stated above may become an amenity issue once it grows to the necessary height, blocking light and becoming overbearing to the occupiers of the neighbouring dwelling.

6 Conclusions

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

The case officer recommends that planning permission is **REFUSED**

- R 1 The tree house by reason of its scale and height, would be an obtrusive and incongruous feature detrimental to the character of the conservation area and the setting of the adjacent curtilage listed outbuildings to the Old White Hart Public House and Compass Cottage. Furthermore, if approved it would set an unwelcome precedent for similarly large structures within the conservation area. The proposal is therefore contrary to adopted Policy CS17 of the Peterborough Core Strategy; Ufford Conservation Area Appraisal (2008) and the Development in Selected Villages DPD (2011) which states:
- R 2 The tree house and associated raised platform would by way of its height, permit views into the amenity space and habitable room windows of the dwellings to the east of the application site. The resulting overlooking and perception of overlooking are considered to be harmful to the amenity of the occupiers of neighbouring dwellings; this is contrary to policy CS16 of the Peterborough Core Strategy (DPD) 2011.

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