

Reference:	16/01773/FUL	
Ward:	Chalkwell	
Proposal:	Erect treehouse in rear garden (Retrospective)	
Address:	19 Kings Road, Westcliff-On-Sea, Essex, SS0 8LL	
Applicant:	Mrs E. Lusty.	
Agent:		
Consultation Expiry:	14/12/16	
Expiry Date:	16/01/17	
Case Officer:	Ian Harrison	
Plan Nos:	Page 1, Page 2 Sketch Plan, Site Plan and Location Plan	
Recommendation:	REFUSE Planning Permission	



1 The Proposal

- 1.1 This application seeks retrospective planning permission for the erection of a treehouse on a tree at the rear of 19 Kings Road. The site contains a three storey dwelling with a 25 metre deep garden area to the rear.
- 1.2 Following the pollarding of a diseased tree, the applicant has erected a treehouse with an irregularly shaped platform that measures approximately 1.75 metres by 3.75 metres at a height of 2.2 metres. The platform is supported by the abovementioned tree and timber posts. To the sides of the platform is a timber enclosure formed from recycled materials and above the platform is a canvas sheet that meets the timber enclosure at the north elevation and is positioned at an angle to create a maximum height of 4.5 metres. The applicant has advised that a ladder has been re-positioned to the north side of the structure at the request of a neighbouring resident.

2 Site and Surroundings

- 2.1 The application site is located to the north of Kings Road. The site contains a three storey detached dwelling. The surrounding area contains mostly residential properties with a block of flats to the west and houses in all other directions.
- 2.2 The site is not the subject of any site specific planning policies.

3 Planning Considerations

- 3.1 The key considerations of this application are the principle of the development, the design and impact on the character of the area and the impact on residential amenity.

4 Appraisal

Principle of Development

National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management Policies DM1 and DM3 and SPD1

- 4.1 This proposal is considered in the context of the National Planning Policy Framework 2012 and Core Strategy Policies KP2 and CP4. Also of relevance is Development Management DPD Policy DM1 which relates to design quality. These policies and guidance support extensions and alterations to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. Subject to detailed considerations, the proposed treehouse within a residential setting is considered to be acceptable in principle.

Design and Impact on the Character of the Area:

National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policies DM1 and DM3 and SPD1

- 4.2 In the Council's Development Management DPD, policy DM1 states that development should "add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features."

- 4.3 The rear of the application site is mostly masked from Kings Road by the existing and neighbouring dwellings and it is therefore the case that the treehouse is only visible from the rear of surrounding residential properties and above a block of garages to the west that are accessed from Drake Road.
- 4.4 The tree house, whilst of significant size is of a timber and canvas construction and therefore has a lightweight appearance. Notwithstanding this, it is considered that the structure is imposing in views from Drake Road to the west and has a significant impact on the setting of the rear of several neighbouring properties.
- 4.5 The structure has an ad-hoc, makeshift 'shanty town' appearance that is not in-keeping with the traditional built form and character of the surrounding buildings. The structure therefore has an appearance that would be harmfully out-of-context with the character and appearance of the surrounding area. Although it is apparent that the development represents a temporary play structure rather than a permanent building that would be used for full-time accommodation or other such intensive occupation, its make-shift appearance is considered to cause material visual harm that is contrary to the abovementioned policies.

Impact on Residential Amenity:

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policy DM1 and SPD 1 (Design & Townscape Guide (2009))

- 4.6 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties. Policy DM1 of the Development Management DPD also states that development should "Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight."
- 4.7 The treehouse structure is positioned 17 metres from the rear elevation of 17 Kings Road, 14 metres from 21-27 Kings Road and 13 metres from the rear elevation of Kingholme, Drake Road. Due to the relatively small scale and limited bulk and mass of the structure, it is considered that the structure does not cause a loss of light or outlook within any neighbouring property to an extent that would justify the refusal of the application.
- 4.8 However, the elevated platform would enable views to the properties of Kings Road. Although orientated towards 17 Kings Road, the separation distance of 17 metres between the tree house and the rear elevation of that property ensures that the level of overlooking caused from the structure would not be such as to cause an overall loss of privacy to an extent that would justify the refusal of the application.
- 4.9 As the treehouse is orientated slightly away from 21-27 Kings Road and features a partial canopy/enclosure to the west side and due to the communal use of the amenity land to the south west, it is considered that the impact on privacy would not be sufficient to justify the refusal of the application. That amenity space and the habitable rooms of the adjacent building are already the subject of potential inter-visibility due to the nature of the use of the building as flats. It is therefore considered that the additional structure at the application site does not cause significant additional harm to the amenities of neighbouring residents.

- 4.10 It is noted that one letter of objection has been received from a resident of Drake Road and a second objection letter (with no address given) could be from a Drake Road property due to its content. The application has come about following an enforcement complaint and it is therefore reasonable to add weight to the fact that the development has had sufficient impact on amenity to warrant it being reported to the Local Planning Authority. Despite the canopy/roof design it appears that overhanging the edges of the tree house would enable views towards the amenity area and habitable rooms of the adjacent property (2 Drake Road). For these reasons, it is considered, on balance, that the development has had an impact on residential amenity, in terms of overlooking and loss of privacy, that is harmful and contrary to the abovementioned policies.
- 4.11 No other neighbouring properties would be affected by the proposed development.

Community Infrastructure Levy

- 4.12 As the development creates less than 100 square metres of new floorspace at the application site, the development is not CIL liable.

5 Conclusion

- 5.1 In this instance it is considered that the development has caused harm to the amenities of neighbouring residents to an extent that justifies the refusal of the application and also has an unacceptable visual impact. The proposal is therefore considered to be contrary to the content of the development plan.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework

National Planning Practice Guidance.

Core Strategy DPD (adopted December 2007) Policies KP2 (Spatial Strategy) and CP4 (Development Principles)

Development Management DPD (2015) policies DM1 (Design Quality) and DM3 (Efficient and Effective Use of Land).

Design and Townscape Guide SPD (adopted December 2009)

CIL Charging Schedule

7 Representation Summary

Public Consultation

- 7.1 8 neighbouring properties were notified of the application. Two letters of objection have been received which object on the following grounds:
- Overlooking and loss of privacy of neighbouring properties.
 - No consideration was given to the amenities of neighbouring residents before it was constructed.
 - The view from neighbouring properties has been harmfully altered by an unattractive structure.

- The structure is not in-keeping with the design of the adjacent dwellings.
- The development is new.
- The development has a platform and lights.
- The users of the structure create noise disturbance.

7.2 The application has been called-in to the Council's Development Control Committee by Councillor Folkard.

8 Relevant Planning History

8.1 A single storey rear extension was approved under the terms of application 13/01054/FULH.

8.2 The proposed use of the building as a doctors surgery and day nursery was refused under the terms of application 04/00609/FUL.

9 Recommendation

9.1 **REFUSE PLANNING PERMISSION for the following reasons:**

01 The treehouse development, by virtue of its size, scale, height, design and makeshift appearance, is considered to be harmful to visual amenity and out-of-keeping with the character and appearance of the application site and the surrounding area. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (NPPF), Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3, and the advice contained with the Southend Design and Townscape Guide (2009).

02 The treehouse development, by virtue of its height and design, is considered to be harmful to residential amenity as it enables unacceptable overlooking and causes a loss of privacy at 2 Drake Road to the detriment of the amenities of the occupiers of this property. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (NPPF), Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3, and the advice contained with the Southend Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

Informative

You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.