

Planning Committee Report	
Planning Ref:	HH/2017/0607
Site:	19 Coleby Close
Ward:	Wainbody
Applicant:	Mrs McCarthy
Proposal:	Retention of tree house
Case Officer:	Alan Lynch

SUMMARY

The application proposes granting planning permission for the retention of a tree house in the garden of a detached house.

KEY FACTS

Reason for report to committee:	As representations have been received from occupiers of more than five properties which are contrary to the officer's recommendation.
Current use of site:	Garden of residential house. Residential curtilage.

RECOMMENDATION

Planning committee is recommended to grant planning permission subject to conditions.

REASON FOR DECISION

- The proposal is of a satisfactory design and not considered harmful to visual amenity.
- The proposal will not adversely impact upon the amenity of neighbours
- The proposal accords with Policies H4 and BE2 of the Coventry Development Plan 2001, together with the aims of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

The planning application is a retrospective planning application for a tree house.

The tree house is a shed type structure constructed on a raised deck, positioned so that the trunk of a tree projects through the tree house but it is not supported by a tree. It has a lower level platform used to gain access to the tree house. The higher level platform of the tree house is 3.0m from the ground; the top of the tree house which is flat roofed is 4.7m about the ground level.

The tree house is located at the southern side of the house. All windows in the tree house face towards the application property. Both platforms are located so that the tree house is between them and the Coleby Close.

SITE DESCRIPTION

The application property is a large post war detached house with large garden set on a development of similar houses.

The house is located on the east side of Coleby Close and the tree house is located in the side garden on the southern side of the house.

The application site adjoins the boundaries with Nos.15 and 17 Coleby Close, which are to the south east. To the west is the road and No 14 is directly beyond it. Coleby Close is a cull de sac.

PLANNING HISTORY

There are two applications relevant to this application.

R/2008/0314 Land to the rear of 19 Coleby Close erection of a dwelling. Approved April 2008.

P/2016/2171 Conversion of garage to habitable accommodation. Approved 30 Aug 2016 and implemented.

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF published in March 2012 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF promotes sustainable development and good design is recognised as a key aspect of this.

The National Planning Practice Guidance (NPPG) 2014, this adds further context to the NPPF and it is intended that the two documents are read together.

Local Policy Guidance

The current local policy is provided within the Coventry Development Plan 2001 (CDP) relevant policy relating to this application is:

H4 – Residential Extensions

BE2 – The Principles of Urban Design

Emerging Policy Guidance

The Draft Local Plan 2016 to 2031 has been submitted to the Inspectorate, examination hearings and consultation on modifications has concluded and the Inspectors report is currently awaited. Whilst the policies do not hold significant weight at this time, they will gain weight as the local plan continues through the process. Policies within the draft local plan that are relevant include:

H5 – Managing Existing Housing Stock

DE1 – Ensuring High Quality Design

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPD Delivering a more sustainable city

CONSULTATION

Immediate neighbours and local councillors have been notified; a site notice was posted on 23rd March 2017.

6 responses have been received. All of them object to the application. The grounds for objections are summarised below:

- The tree houses height, it is excessive in size for a tree house and unsightly design.
- It overlooks neighbouring properties.
- The trees that screen could be removed. Trees will be affected
- It will be used by noisy children.

Warwickshire County Council Ecology requested the inclusion of a nesting bird note on to any approval

Any further comments received will be reported within late representations.

APPRAISAL

The main issues in determining this application are the impact on the character of the area / the street scene and the residential amenities of the adjoining properties.

CHARACTER OF THE AREA / STREET SCENE

Any proposal must be assessed against the advice within the Coventry Development Plan 2001 policies H4 and BE2.

Coleby Close consists of detached houses staggered in their siting and of differing design with the application property (No.19) located towards the head of the road. The southern boundary of No. 19 is planted with a substantial belt of trees/shrubs. The tree house is set back from the road frontage and viewed against the backdrop of the side elevation of the house, it has some camouflage netting added to the elevation facing the road.

Views of the tree house from outside the garden are limited. However, views of the tree house can be achieved from the road to the west.

It should be noted that the officer's site visit was carried out before the trees gained their leaves this spring with some of the screening trees being hollies which are evergreen.

The tree house appears as a 'temporary/home-made' structure. At present it is screened by a dense belt of trees/shrubs and therefore there is limited harm to the street scene however; it is considered that on the basis of its location, height, design and materials of construction that a condition to control the removal of the structure after 5 years of the date of the permission is required to ensure that no future harm to the street scene will arise as the structure deteriorates.

Overall, subject to a condition controlling the removal of the structure it is not considered to cause significant harm to the character of the area.

RESIDENTIAL AMENITIES OF THE ADJOINING PROPERTIES.

Any proposal must be assessed against the advice within the Coventry Development Plan 2001 policies H4 and BE2.

The three neighbouring properties which are positioned closest to the tree house are No. 14, No. 15 and No. 17 Colby Close.

Number 14 is located to the west. There is limited screening by vegetation along the front boundary of the site. No. 14 is positioned side on to the tree house and has no main windows of habitable rooms facing it in its end gable wall. The views from the house rear conservatory are limited and oblique. The tree house has no windows facing No 14 nor are there direct views from the platforms to this property.

The fronts of Numbers 15 and 17 are approximately 20m from the upper platform of the tree house. Views from the tree houses platform are effectively screened by the existing vegetation. Given the position of the properties and mature screening along the boundary to these properties it is not considered that any views that can be gained from the tree house will cause any significant harm to the amenity of neighbours.

In response to the objection raised in respect of noise and disturbance, given the nature of the development it is not considered that it will generate any additional noise which will cause significant harm to the amenity of neighbouring properties.

CONCLUSION

Subject to the imposition of conditions the proposal is not considered to be significantly harmful to the character of the area and the street scene or the amenities of neighbouring properties. The development is therefore in accordance with Policies BE2 and H4 of the Coventry Development Plan 2001, together with the aims of the NPPF.

CONDITIONS/REASON

1. The development hereby permitted shall be in accordance with the following approved documents;
Plan containing climbing frame elevations, floor plan 1:50, site plans 1:100/1:500 and location plan 1:1250
Drg. No. XXX dated 03/2017

Reason: *For the avoidance of doubt and in the interests of proper planning.*

2. The structure hereby permitted shall be removed no later than 15 June 2022.

Reason: *The building is of temporary none durable nature and in the long term it is likely to become unattractive in the longer term and harm the character of the area so the development would be in accordance with Policy BE2 of the Coventry Development Plan 2001*

[Existing & Location Plan](#)