

**PARISH** Barlborough

---

**APPLICATION** Retention of tree house  
**LOCATION** 37 Low Common Barlborough Chesterfield S21 3WG  
**APPLICANT** Mr Craig Brownell 37 Low Common Renishaw Sheffield S21 3WG United Kingdom  
**APPLICATION NO.** 14/00495/FUL **FILE NO.** PP-03730100  
**CASE OFFICER** Mrs Karen Wake (Mon, Tues, Wed)  
**DATE RECEIVED** 21st October 2014

Delegated Application Referred to Committee by Assistant Director of Planning  
Reason: Judgement on impacts on residential amenity and green belt

---

### **SITE**

Two storey semi-detached dwelling set within an area of open countryside in the Green Belt. The property has a long rear garden which slopes up to the rear away from the house. There is a large detached outbuilding to the rear of the dwelling with a further garden area to the rear of the outbuilding. There is a hedge approx 2.5m high along the southern side boundary with an attached dwelling beyond. The attached dwelling also has a detached outbuilding to the rear, adjacent to the site boundary. There is a hedge approx 2m high along the northern side boundary with a field beyond and a high hedge along the rear site boundary.

### **PROPOSAL**

The application is for the retention of three raised platforms, one of which has a shed type building erected on it for use as a tree house. The platform containing the shed has a timber staircase up to it and each of the platforms are to have timber balustrade around the edges and are proposed to be linked via rope bridges. The platforms are constructed on/around the trunks of trees previously growing on the site.

### **AMENDMENTS**

Plans originally submitted were inaccurate. Accurate plans, to scale have now been submitted.

### **HISTORY (if relevant)**

13/00012/FUL: Single storey extension to front and side of outbuilding to form garage and games room: Approved 22/2/2013

12/00517/FUL: Single storey extension to front and side of outbuilding to form garage and games room: Approved 20/12/2012

10/00406/RETRO: Retention of decking to front: Approved 6/12/2010

### **CONSULTATIONS**

DCC Highways: No objections: 18/11/2014

### **PUBLICITY**

Site notice and 1 neighbour notified. No representations received

## **POLICY**

### Bolsover District Local Plan (BDLP)

GEN 1 (Minimum Requirements for Development)

GEN 2 (Impact of Development on the Environment)

GEN 9 (Development in the Green Belt)

### National Planning Policy Framework

Paragraph 17: take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it

Paragraph 64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 79: The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 87: As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88: When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

### Other (specify)

Successful Places- A Guide to Sustainable Housing Layout and Design

## **ASSESSMENT**

The site is outside of any settlement frameworks, within the Green Belt. The garden area on which the tree house and platforms are to be erected is higher than the houses on the front and the layout of the garden is such that this part is immediately to the rear of the neighbouring house. Together with the proximity to the boundary the development has the potential for a different impact to more conventional tree houses.

The main issues for consideration in the determination of the application are the effect of the development on the rural character and appearance of the area and the openness of the Green Belt and the effect on the amenity of the occupiers of neighbouring residential properties.

### Impact on the Rural Character and Appearance of the Area and the Openness of the Green Belt

The property on site has a large rear garden, the rear part of which is higher than the dwelling. The platforms are towards the rear of the garden in an elevated position. The platforms are more than 2.5m high with balustrade above and a blue shed/tree house positioned on top of one of the platforms. The result is that the development is fairly prominent in views from outside the site. Whilst these views are limited in some directions, the

domestic nature of the development and its prominence means that the development is considered to have a harmful, urbanising impact on the rural character of the area and the openness of the Green Belt. The fact that views are restricted isn't considered to overcome this concern. The proposal is therefore considered to be contrary to the requirements of Policies GEN 2 and GEN 9 of the Bolsover District Local Plan and the guidance given in the NPPF.

#### Impact on the Amenity of Occupiers of adjacent Properties

The boundary of the site between the dwelling on site and the attached property is stepped, such that part of the rear garden on site extends behind the attached property. Two of the raised platforms, including the one with the shed/tree house on top are positioned adjacent or close to the site boundary, behind the attached dwelling. The proposal therefore results in panoramic views over the entire rear garden of the attached property and the garden beyond that to the south of the site.

This is considered to have a significant detrimental impact on the privacy and amenity of residents of these dwellings. It is accepted that the proposal is some 34m from the attached dwelling itself which is in excess of the normal separation requirements for overlooking.

However two of the platforms are less than 2.5m from the boundary of the site with the private garden of the neighbouring dwelling. The open nature of the platforms and their elevated position on higher ground, mean that the proposal is considered to have an un-neighbourly impact which results in a loss of privacy or a strong perception of loss of privacy for residents of adjacent dwellings. The use of the facility may also result in noise and disturbance for these residents, which given the visibility of the facility renders this impact more intrusive than would occur at ground level.

It is accepted that the adjacent properties have large rear gardens and in an urban area some degree of overlooking of gardens by adjacent properties may be considered acceptable. However, the site is within the countryside and the Green Belt where the perception of openness and privacy can reasonably be expected by its residents particularly where the development has an urbanising impact. The introduction of such a potentially un-neighbourly development in this situation is considered to cause significant harm to the residents of adjacent dwellings contrary to the requirements of Policy GEN 2 of the Bolsover District Local Plan.

Whilst some of the overlooking could be addressed by screening the raised platforms, this would raise the height and increase the built form of the development further adding to its intrusive impact in the Green Belt.

Consideration has been given to what could be built under permitted development rules but officers consider that this does not alter the balance of judgement in this case.

#### **Other Matters**

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: N/A

Equalities: N/A  
Access for Disabled: N/A  
Trees (Preservation and Planting): N/A  
SSSI Impacts: N/A  
Biodiversity: N/A  
Human Rights: No issues relating to this proposal

As the application is for retrospective planning permission if permission is refused it will be necessary to take action to secure the removal of the development.

**Conclusion:**

The decision is a balanced judgement on the impacts of the development taking account of the reasonable expectations of the applicant to enjoy the benefit of his land and the impacts on neighbours and a judgement about the impact on the Green Belt.

Regard has been had to the fact that these are large gardens and some separation distances between the development and neighbours facilities (such as the dwellinghouse) exceed the Councils guidelines (in the Successful Places guidance). The elevated nature of the development is felt to increase the impacts requiring the normal guidelines to be set aside.

**RECOMMENDATIONS:**

**1:Refuse for the following reasons:**

1. The platforms are towards the rear of the garden in an elevated position. The platforms are more than 2.5m high with balustrade above and a blue shed/tree house positioned on top of one of the platforms. The result is that the development is fairly prominent in views from outside the site. Whilst these views are limited in some directions, the domestic nature of the development and its prominence means that the development is considered to have a harmful, urbanising impact on the rural character of the area and the openness of the Green Belt contrary to the requirements of Policies GEN 2 and GEN 9 of the Bolsover District Local Plan and the policy of the NPPF.
2. Two of the raised platforms, including the one with the shed/tree house on top are positioned close to the site boundary, behind the attached neighbouring dwelling. The proposal therefore results in panoramic views over the entire rear garden of the attached property and the garden beyond that to the south of the site resulting in a significant detrimental impact on the privacy and amenity of residents of these dwellings from overlooking. The open nature of the platforms and their elevated position on higher ground, mean that the proposal is considered to have an un-neighbourly impact which results in a loss of privacy for residents of adjacent dwellings and may also result in noise and disturbance for these residents when the platforms are in use contrary to the requirements of Policy GEN 2 of the Bolsover District Local Plan.

Statement of Decision Making process

The proposal is contrary to the policies for protection of the Green Belt and residential amenity. It is not considered that minor alterations could be negotiated to make the proposal acceptable in policy or impact terms. The decision has been taken in accordance with these policies and guidelines and in accord with the guidelines of the National

Planning Policy Framework.

**2: Enforcement Notice** be issued to require removal of the platforms and shed within 3 months of the date of the issue of the notice.

---

**Application No.:** 14/00495/FUL



© Crown Copyright and database right (2015). Ordnance Survey (100019526).

**Date Produced:** 17<sup>th</sup> March 2015

