

**11 DCNE2003/3185/F - ERECTION OF TREE HOUSE AT THE GOULDINGS, OLD CHURCH ROAD, COLWALL, MALVERN, HEREFORDSHIRE, WR13 6ET****For: Mr & Mrs D & P Bounds at same address****Date Received:**  
**21st October 2003****Ward:**  
**Hope End****Grid Ref:**  
**75659, 42881****Expiry Date:**  
**16th December 2003**

Local Members: Councillor R. Mills and Councillor R. Stockton

**1. Site Description and Proposal**

- 1.1 The site is located to the north of C1162 known as Old Church Road bordered to the east by Cowl Barn Lane within Colwall. The site comprises of a large detached dwelling with a number of integral and detached outbuildings, part of which was formerly used as a doctor's surgery. Ground levels rise slightly from south to north with the garden being elevated approximately 1 metre above the level of the adjoining road. The southern (roadside) boundary is enclosed by a mixture of mature and semi mature trees and a mature hedge exists along the western boundary of the garden. The trees along the southern boundary are protected by a group Tree Preservation Order no. 45. The site also lies within Colwall Conservation Area, Malvern Hills Area of Outstanding Natural Beauty and is also designated as an Area of Great Landscape Value.
- 1.2 The applicants wish to construct a purpose built tree house in the south western corner of the garden adjacent to the road. The tree house has been designed and will be constructed if approved by a specialist company based in Ayrshire, Scotland. It is to be constructed from a timber frame clad with weatherboarding under a pitched cedar shingle roof and is large enough to accommodate a six-seater dining table. The tree house is to be mounted on timber supports at a height of 1.8 metres with the total height to the ridge of the roof being 4.9 metres above ground level. The tree house itself measures 3 metres by 4.2 metres by 3.3 metres in height with the addition of a small balcony area measuring 3 metres by 2 metres.

**2. Policies**Hereford and Worcester County Structure Plan

CTC1 – Areas of Outstanding Natural Beauty  
CTC2 – Areas of Great Landscape Value  
CTC7 – Listed Buildings in Conservation Areas  
CTC9 – Development Requirements  
CTC15 – Conservation Areas

Malvern Hills District Local Plan

Conservation Policy 1 – Preserving or Enhancing Conservation Areas  
Conservation Policy 2 – New Development in Conservation Areas  
Landscape Policy 2 – Areas of Outstanding Natural Beauty

Landscape Policy 3 – Development in Areas of Great Landscape Value

Herefordshire Unitary Development Plan (Deposit Draft)

HPA6 – New Development within Conservation Areas

LA1 – Areas of Outstanding Natural Beauty

LA2 – Landscape Character and Areas Least Resilient to Change

LA5 – Protection of Trees, Woodlands and Hedgerows

H18 – Alterations and Extensions

DR1 – Design

S2 – Development Requirements

### **3. Planning History**

MH1396/77 – Extension of surgery – approved 25<sup>th</sup> August 1977.

MH2509/79 – Slight enlargement and alterations to present laundry room at rear premises. To continue use as laundry room – approved 12<sup>th</sup> December 1979.

NE2003/3386/F – Proposed replacement garden room and new porch – approved 5<sup>th</sup> January 2004.

NE2003/3389/C – Demolition of single storey building and garden room to rear of property – approved 5<sup>th</sup> January 2004.

### **4. Consultation Summary**

#### Statutory Consultations

None required.

#### Internal Council Advice

- 4.1 Head of Engineering and Transport has no objection.
- 4.2 Public Rights of Way Manager comments as follows: 'Development would not appear to affect Public Footpath CW10 or Public Byeway CW58 and there is no objection to the proposal.'
- 4.3 The Chief Conservation Officer raises concerns regarding the impact of the development within the Conservation Area but is satisfied with the impact of the proposal on the trees protected by Tree Preservation Order.

### **5. Representations**

- 5.1 Colwall Parish Council object to this application as the building is of type that is unsuitable due to its size and height particularly within a Conservation Area. The objection also relates to the possible damage to trees on the site and the Parish Council recommend that the County Arboriculturalist be consulted.

5.2 Two letters of objection have been received from:

Elizabeth Leitch, Hadley, Old Church Road, Colwall  
M. Nash, The Grey House, Old Church Road, Colwall

The main points raised are:

- a) The building is over 20 feet high from the road and just 15 feet from my boundary. I will lose my privacy in the front and rear garden as the structure will tower over everything around it.
- b) The structure when viewed from the road will be totally out of keeping with its environment.
- c) Trees or major parts of the trees will eventually have to be removed which will be against the interests of the Conservators.
- d) The footprint is too large for the garden it is associated with.
- e) The structure could be converted to living accommodation in the future.

Supporting information including an arboriculturalist report has been provided by the applicant, which will be referred to in the officer's appraisal.

5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

6.1 This proposal is clearly a little unusual and therefore to assist members in their consideration of the application, the report has been broken down into three main issues:

### Impact of the Development within the Conservation Area

The Tree house is to be sited in the south western corner of the existing garden amongst a group of mature trees, which extend along the full length of the southern boundary bordering the road. More specifically, the tree house is to be positioned around 5 metres from the edge of the pavement tucked behind an existing mature conifer. These trees, which are predominantly evergreen, provide a relatively dense screen and even in the winter, do not allow views into the garden from the road. Despite the extent of existing screening, glimpse views of the structure will still be visible from the roadside. This is particularly so given the scale of the tree house with regards to its height which will be around 6 metres above the level of the adjoining road taking into account the difference in ground levels.

The scale of the tree house must however be balanced against the proposed materials from which it is to be constructed. This being round treated timber posts supporting the main structure which is constructed from timber frame clad externally with natural cut pine with a bark edge and internally clad with tongue and groove boarding under a cedar shingle roof. The balcony area is constructed from a timber frame with ridged redwood flooring enclosed with a natural willow balustrade accessed by a spiral steps constructed from treated Douglas fir. The applicants have also amended the plan slightly by replacing the proposed dormer windows with velux roof lights within the roof. Therefore, whilst the tree house is large, it is to be constructed from high quality natural materials, which will give the development a rustic appearance thereby assimilating it into its environment.

The Conservation Officer is concerned with the visual impact of the proposal and consequently that it would not preserve or enhance the character and appearance of the Conservation Area. However, your officer's consider that the combination of its siting away from the road, the existence of the mature trees which would entirely surround the tree house and the materials proposed are sufficient to ensure that the character and appearance of the Conservation Area is preserved and also that the development would not appear unduly prominent or physically invasive from the roadside.

#### Impact of the Development on the Protected Trees

A group Tree Preservation Order protects all of the trees on the southern boundary of the site including those in the neighbour's garden immediately to the west. These trees are therefore currently protected against any trimming, lopping or removal and would be in the future if permission were given. The applicants have also provided a detailed tree survey to demonstrate that the tree house will not result in damage to any of the existing trees and also that only four small branches not greater than 40mm in diameter would have to be removed to construct the tree house. The branches to be removed have been specifically identified and the site will remain well screened even after the removal of the branches.

Furthermore, the tree house is designed and built around the specific constraints of each location. For example, where a trunk, bough or branch runs through a tree house a specialist product known as Neoprene is used which ensures a long lasting and flexible seal between the tree house and the branches ensuring that no limbs or bark are removed. The tree house is also supported entirely by a timber post and there are no fixings to surrounding trees or shrubs. The supporting posts can also be positioned in different locations to avoid existing trees and their roots. As such, the applicants have satisfactorily demonstrated that the tree house can be constructed without the loss or damage of any of the existing protected trees. The Conservation Officer is also satisfied with the information and tree survey provided in terms of the protection of the trees.

#### Impact on the Amenity of Neighbouring Properties

As outlined above, the site for the tree house is largely surrounded by mature trees. These trees not only minimise the visual impact of the development but also prevent any direct overlooking of neighbouring properties or their gardens. The principal outlook from the tree house and balcony will be northwards towards the applicants own property and garden. Mature trees and a hedgerow prevent any direct overlooking of the property or its garden immediately west of the site whilst the existence of the trees along with the distance and position of the road ensure that privacy is retained for the properties south of the site. As such there will be no loss of privacy through overlooking from the tree house.

Concerns have been expressed by objectors regarding the possible use of the tree house. The applicant has confirmed that the tree house is to be solely for recreational purposes by his family. In particular, it is to be used as a quiet haven for reading, writing and occasional family meals. The tree house will be provided with an electricity supply for lighting and heating but will have no other services such as gas, water, drainage or telephone and it is not intended for sleeping accommodation or any form of business use. Your officers are satisfied that subject to stringent conditions, the use of

the tree house can be limited to uses ancillary to the existing dwelling thereby preserving the neighbour's amenity.

On balance, it is considered that whilst the proposal is large, it is sited and designed to ensure that the character and appearance of the Conservation Area is preserved, the Tree Preservation Order trees are protected and there will be no undue loss of amenity to surrounding properties.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

**1 - A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2 - A09 (Amended plans )(received 17<sup>th</sup> December 2003 and plans received 21<sup>st</sup> October 2003)**

**Reason: To ensure the development is carried out in accordance with the appropriate plans.**

**3 - The development shall be constructed in accordance with the Tree Survey provided by Mr John Harris and received by the local planning authority on 17th December 2003. No other trees or hedgerows within the application site shall be removed, felled, lopped, pruned or damaged in any way without the prior written consent of the local planning authority.**

**Reason: In order to protect the existing trees in the interests of safeguarding the character and visual amenities of the area.**

**4 - E29 (Use ancillary to existing dwelling only )(tree house)(The Gouldings)**

**Reason: It would be contrary to the policy of the local planning authority to grant planning permission for a separate dwelling in this location.**

**5 - F14 (Time restriction on music )**

**Reason: In order to protect the amenity of occupiers of nearby properties.**

**Note to applicant:**

**The decision to grant planning permission has been taken having regard to the policies and proposals in the Hereford and Worcester District Local Plan and Malvern Hills District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:**

**Hereford and Worcester County Structure Plan**

**CTC1 - Areas of Outstanding Natural Beauty**

**CTC2 - Areas of Great Landscape Value**

**CTC7 - Listed Buildings in Conservation Areas**

**CTC9 - Development Requirements**  
**CTC15 - Conservation Areas**

**Malvern Hills District Local Plan**

**Conservation Policy 1 - Preserving or Enhancing Conservation Areas**  
**Conservation Policy 2 - New Development in Conservation Areas**  
**Landscape Policy 2 - Areas of Outstanding Natural Beauty**  
**Landscape Policy 3 - Development in Areas of Great Landscape Value**

**This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.