

DELEGATED OFFICER REPORT

Application Ref: F/22/93454

Site Address: HOLLOWS HILL, 182 CHURCH ROAD, BISHOPSTOKE, EASTLEIGH, SO50 6FA

Case Officer: Dorothy Hei-Tung-Hoh

Description: Retention of children's treehouse in rear garden of property.

Particular Site Constraints?	Yes ☒	No ☐
• Within Established Residential Area • Within Built-up Area Boundary		

Planning History?	Yes ☒	No ☒
• Z/32247/000/00 - OUTLINE: CONVERSION AND ADDITIONS TO FARM BUILDINGS TO FORM 7NO. DWELLINGS - Refuse Planning Permission For - 05/07/1991 • Z/32247/004/00 - OUTLINE: ERECTION OF THREE DWELLINGS FOLLOWING THE DEMOLITION OF THE EXISTING BUILDING - Grant Outline Permission For - 26/02/2003 • Z/32247/005/00 - APPLICATION FOR RESERVED MATTERS PURSUANT TO OUTLINE PERMISSION 32247/004 FOR THE ERECTION OF 3 DETACHED DWELLINGS FOLLOWING DEMOLITION OF EXISTING AGRICULTURAL STRUCTURES - 15/10/2003 • F/04/50370 - ADDITION OF DECKING TO PLOTS 1,2and3 AND DETACHED GARAGE TO PLOT 1 ONLY - Permit - 22/07/2004		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	184 CHURCH ROAD – Objection – Summarised • It has been built 3ft from our boundary • It has been built to an overall height in excess of 20ft above ground level • It sits > 14ft above our 6ft fence panels • It has clear sight lines into our garden, and our house (see photos) • We consider this to be a significant loss of our privacy • It has been mechanically fixed in multiple locations into a protected tree		
Parish Council:	No Objection		
Tree Consultant:	It would be more harmful to now remove the structure or install alternative methods of support.		
Ecologist:	No Ecological Objections		

Site Visit:	Yes ☒	No ☐
Details: 18 th August 2022		

Policy:**National Planning Policy Framework
Planning Practice Guidance****Development Plan:**

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM2, DM11 and DM14.

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Character Area Appraisal for Bishopstoke, Fair Oak and Horton Heath (BIFOHH 2)

Assessment:

The application site contains a detached two-storey dwellinghouse, located to the south of Stoke Common, off Church Road and Stoke Common Road. The property is in the middle of a row of three identically styled houses, with the host dwelling and 184 Church Road being set further back than 180 Church Road. The application site also sets lower than the road and there is a steep slope upwards from East to West. The surrounding area is residential in nature characterised by inter-war to present day villas, semi-detached pairs, and detached properties. This application is retrospective, seeking the retention of the children's treehouse in rear garden.

Principle

- Section 73A of the Town and Country Planning Act provides for retrospective planning applications to be made in respect of development which has been carried out without permission, and for applications for planning permission to authorise development which has been carried out without complying with some planning condition to which it was subject. It is not an offence to carry out works without the required planning permission unless a Notice has been served on the unauthorised development because it is expedient to do so. When unauthorised development is carried out the Council can and has in this instance request that the persons submit a retrospective planning application to regularise the works.
- The application site lies within an established residential area where the basic principle of development is acceptable, with any formal approval being based upon the exact nature, design, and impact of that proposed being considered acceptable and in accordance with the relevant policies within the adopted local plan and supplementary planning guidance.
- The site is also part of the character area of Bishopstoke, Fair Oak and Horton Heath (BIFOHH 2) which provides the following guidance on developments and that they should ensure that:
 - i) Maintain the importance of the views east to Stoke Common.
 - ii) Maintain the predominant deep building setbacks in order to retain/reinforce the existing levels of on-plot planting.

Character and Design

- Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban areas, take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and be compatible in terms of mass, scale, layout density, design, and siting.
- According to the submitted information, the treehouse is a replacement for a previous treehouse that was present in the same location. It is raised above the

ground and installed into an alder tree. It has been designed in a hexagon-shaped (similar to the previous one) and finished in waney edge natural cedar wood. The support posts are also of a non-uniform shaped. There is a small bridge to connect the treehouse and the garden lawn, providing an access to the treehouse. Although the cedar cladding is not commonly found within the vicinity, this natural material will be weathered naturally and eventually allow the treehouse the opportunity to blend in with its environment over time. As such, the treehouse is not considered to have a detrimentally harmful impact upon the visual amenities of the wider surroundings.

- The treehouse is located at the far end of the rear garden and is a considerable distance to the host dwelling and neighbouring properties. Therefore, it is not visible from the street scene along Church Road. It should also be noted that the treehouse is surrounded by a number of trees and shrubs, which can provide some screening.

Impact on Residential Amenity

- Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulate that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.
- There is one side of the hexagonal treehouse that faces towards 184 Church Road's lower garden which is likely to result in amenity and overlooking issues for this neighbour. However, it is considered that the treehouse provides an outdoor play area for children and is likely used at particular times of the day and year where is it considered no harmful loss of privacy or sustained overlooking results. Furthermore, it was noted upon the site visit that an ivy appearance trellis/netting has been installed at that side of treehouse to reduce any intervisibility between both properties.
- From a site visit, it was also noted that 180-184 Church Road have roof terrace and first floor living accommodation in order to view towards Stoke Common. As such, a degree of overlooking to neighbour's rear garden already exist. The treehouse does not intensified the ability to look into the rear of the neighbour's plot. No new overlooking or loss of existing privacy are created.
- The treehouse is raised above the ground and is sited close to the boundary between the application site and 184 Church Road. However, taking into account its size and scale, no overbearing or oppressive impact results.
- The applicant has confirmed in writing that the treehouse is used for recreational. From the dimensions, the replacement treehouse is unlikely to result in the creation of a separate dwelling on the site. The proposal does not result in a significant loss of amenity space.

Ecology

- Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) stipulates that the Borough Council will work with statutory and voluntary agencies and developers to; protect, conserve and enhance areas subject to international, national and local nature conservation designations, and promote the net gain of biodiversity on all sites through the protection, enhancement and connection of existing provisions and new habitats and features compatible with the native biodiversity characteristics of the Borough.
- It is confirmed by the Council's Ecologist that the biodiversity enhancements recommended in the submitted 'Design and Access statement' section 6 (copied below) are appropriate and should be implemented.

The following enhancements could be undertaken following the construction of the replacement treehouse in conjunction with the local tree officer and our instructed arboricultural consultant Jeremy Barrell: -Additional sensitive planting of native species along the existing rear bottom boundary between 182 and 184 Church Road to create a net biodiversity gain. -Our arboricultural consultant Jeremy Barrell has suggested that such species as holly, hawthorn, hazel, Elder are all native species (or bay tree) could be planted if a planting scheme was required by the tree officer. As noted above this could provide a natural solution to overcome any concerns of overlooking from elsewhere in the treehouse into the rearmost part of the lower garden of 184 Church Road as well as providing a net biodiversity gain.

Trees and landscaping

- The tree house has been installed into an alder tree, which is a number of specimens forming a larger group. The group is protected by a Tree Preservation Order. Therefore, the Council's Tree Consultant has been consulted as part of this application. Given that the proposal is retrospective, thus meaning the damage to the TPO trees, and potential harm to protected species has already been done.
- After reviewing the submitted arboricultural information, it is agreed that the harm has already occurred and is relatively minor. It would, therefore, be more harmful to now remove the structure or install alternative methods of support. The least damaging option is to retain the treehouse.

Highways and Parking

- Policy DM14 of the Eastleigh Borough Local Plan (2016-2036) requires residential development to provide off-highway parking which is adequate in terms of highway safety/traffic management.
- The proposal does not incorporate any additional bedrooms so it will not impact on the existing car parking arrangements.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.

The NPPF, Policies S1, DM2 and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change.

Equalities Implications:

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications

Conclusion:

- Subject to Conditions
- To conclude, the treehouse has been there for a while and the replacement has been designed to be similar to the previous treehouse. As such, the visual impact is limited. Whilst the proposal is not considered to be ideal, in this specific instance the retention of the treehouse would be less damaging than its removal, and therefore on this basis only, the proposal would be recommended for approval.

Recommendation:

PERMIT ☒

REFUSE ☐

Comments