

Appeal Decision

Site visit made on 13 March 2017

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 March 2017

Appeal Ref: APP/N4720/C/16/3157404

Crow Trees, 15 Leeds Road, Rawdon, Leeds LS19 6HQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Graham Higgins against an enforcement notice issued by Leeds City Council.
 - The enforcement notice was issued on 28 July 2016.
 - The breach of planning control as alleged in the notice is the erection of an elevated tree house.
 - The requirements of the notice are remove the tree house and all the materials associated with the construction from the land (taking care not to damage the protected tree when removing the unauthorised development).
 - The period for compliance with the requirements is four months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of an elevated tree house on land at Crow Trees, 15 Leeds Road, Rawdon, Leeds as referred to in the notice.

Reasons

2. The main issues in the ground (a) appeal are the effect of the elevated tree house on; first, the character and setting of Crow Trees, a Grade II listed building, and the character and appearance of the Rawdon Littlemoor Conservation Area (RLCA) within which it is situated; and second, the amenities of nearby residents.

The first issue

3. Crow Trees is a substantial two storey dwelling constructed in coursed square stone under a slate roof. It has a wide frontage, that includes features such as mullioned windows, to the north-east of a flat lawn surrounded by a dwarf stone wall. Otherwise, the substantial grounds around the lawn are informal and include many mature trees that are covered by a Tree Preservation Order. The grounds have a frontage to Leeds Road and Crow Trees is a significant building in, and makes a positive contribution to, the RLCA.

4. The tree house is constructed almost entirely of timber and is high up in a tree to the north-west of the lawn. Even during winter months, when the trees are not in leaf, the tree house is not a prominent feature. It is unobtrusive and, given

that it is well away from the building and to the side of the lawn, it does not detract from, or adversely affect, the character or setting of the listed building. The tree house is only glimpsed within the RLCA and does not adversely affect the character or appearance of the designated area. The tree house has not undermined or caused harm to the significance of the listed building or the RLCS, and, in this regard, does not conflict with any Development Plan policies.

The second issue

5. The rear garden of 11 Cleeve Hill is to the north-west of the appeal property and the gardens of 7 and 9 Cleeve Hill are beyond. There are views into these rear gardens from the tree house but at some considerable distance. Furthermore, these views would be mostly blocked during summer months, when the tree house is likely to be in only occasional use, by the foliage of intervening trees. Consequently, overlooking of nearby residential properties from the tree house is not likely to be significant and is unlikely to result in any significant loss of privacy or amenity at those residential properties. Activity in the tree house is likely to be only occasional and any noise resulting from this activity is unlikely to cause any significant disturbance. The tree house does not, in this regard also, conflict with any Development Plan policies.

Conclusion

6. The tree house does not cause any significant harm to the character or setting of Crow Trees, to the character and appearance of the RLCA, or to the amenities of nearby residents. Planning permission has thus been granted, without conditions, for the erection of an elevated tree house on land at Crow Trees, 15 Leeds Road, Rawdon, Leeds.

John Braithwaite

Inspector