
Appeal Decision

Site visit made on 8 October 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2019

Appeal Ref: APP/P1133/D/19/3234876

Sunningdale, Totnes Rd, Ipplepen, Newton Abbot, Devon TQ12 5TD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Coady against the decision of Teignbridge District Council.
 - The application Ref 19/00885/FUL, dated 26 April 2019, was refused by notice dated 2 July 2019.
 - The development proposed is described as retrospective application for a tree house.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit, I observed that the tree house had been erected. I have dealt with the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of adjoining occupiers, with particular regard to overlooking of properties in Barn Park Close.

Reasons

4. The appeal proposal is located within a large evergreen fir tree which, due to its size and position, is a notable feature in the surrounding area. The tree house is positioned reasonably high up in the tree and includes an open sided platform and a glazed patio door. Given its situation, the tree house is not particularly noticeable, with generally only the very top of it being visible in the locality. Although separated from the western boundary of the appeal site by a vehicular track and an evergreen hedge, it is located in relatively close proximity to the properties and rear gardens of 6, 7 and 8 Barn Park Close.
5. Built within the tree, existing dense branches – some of which have been tied together – entirely surrounded the tree house. This provides significant screening and prevents views from the platform and patio door towards the properties and gardens which surround the site. However, the branches and the method of securing them together are not permanent features whose presence can be assured. Their extent could for example be reduced through either a natural process or pruning. In this case, there would, as I observed on my site visit, be direct views from the tree house to the properties and gardens at Nos 6-8. Due to the elevated position of the platform and patio door, the 2.5

metre high evergreen hedge would not reduce or avoid direct overlooking from the tree house to surrounding plots.

6. The appellant has suggested that a condition could be used to secure the addition of a 2.1 metre high natural timber screen to the west elevation of the platform. Such a screen would prevent direct overlooking from the appeal proposal. However, it would be a significant feature which, if it were to become visible in the surrounding area in the future through a reduction in tree branches, would appear incongruous in relation to its surroundings. The harm it would cause to the character and appearance of the surrounding area means that such a condition would therefore not be reasonable.
7. For the above reasons, I conclude that the proposed development would harm the living conditions of adjoining occupiers, with particular regard to overlooking of properties in Barn Park Close. I therefore find that it conflicts with Policies S1 and WE8 of the Teignbridge Local Plan 2013-2033. Amongst other aspects, these require development to protect the living conditions of neighbours, including with regard to privacy.

Conclusion

8. For the above reasons, the appeal is dismissed.

Tobias Gethin

INSPECTOR