
Appeal Decision

Site visit made on 22 January 2021

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 03 February 2021

Appeal Ref: APP/D3830/D/20/3262589

Blackthorn, Stockcroft Road, Balcombe RH17 6LN

- 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 Sean Betts against the decision of Mid Sussex District Council.
 - The application Ref DM/20/3317, dated 25 August 2020, was refused by notice dated 4 November 2020.
 - The development is described as 'retrospective application for a 3-storey treehouse in the front garden'.
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Decision

1. The appeal is allowed and planning permission is granted for a 3-storey treehouse in the front garden at Blackthorn, Stockcroft Road, Balcombe RH17 6LN in accordance with the terms of the application, Ref DM/20/3317, dated 25 August 2020 and the plans submitted with it, subject to the following condition:
 - 1) Within 3 months of the date of this decision, a scheme for the planting of one new native tree at Blackthorn, Stockcroft Road, Balcombe RH17 6LN shall have been submitted for the written approval of the local planning authority, together with a timetable for planting. The tree shall be retained thereafter.

Preliminary Matters

2. During the determination of the application, the council changed the description of development to take account of the fact that the development had already been carried out. I have used this description of development for the purposes of clarity and determined the appeal on that basis.

Main Issues

3. The main issues are as follows:
 - The effect of the development on the character of the Balcombe Conservation Area
 - The effect of the development on the 'host' tree

Reasons

The effect on the Balcombe Conservation Area

4. Stockcroft Road is a residential avenue to the south of the village of Balcombe. The appeal site is the front garden of a dwelling known as Blackthorn, situated along Stockcroft Road which falls within the Balcombe Conservation Area (CA).
5. Stockcroft Road has a leafy, open and traditional suburban character with large, detached houses set within generous plots, set at regular intervals behind hedges interspersed with trees. Blackthorn is unlisted and has a front garden and large driveway/parking area. Like its neighbours, the property has significant vegetation along its front boundary, in the form of trees and hedges.
6. The treehouse is set above the ground on timber struts which have been sunk into the ground. There are two floors within the treehouse itself and it is accessed via a ladder.
7. In applying the statutory test as set out in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had regard to the desirability of preserving or enhancing the CA as a designated heritage asset.
8. Section 16 of the National Planning Policy Framework (Framework) sets out that heritage assets, such as a CA, should be preserved and enhanced. The Framework at paragraph 193 sets out that the decision taker should give great weight to the conservation of heritage assets.
9. The Mid Sussex District Plan (2018) (DP) at Policy DP26 (Character and Design) seeks development that is designed to protect the valued characteristics of an area; Policy DP35 (Conservation Areas) requires that new development conserves and enhances the special character of the CA as well as protecting landscaping and special boundaries that contribute to this special character. In respect of the made Balcombe Neighbourhood Plan (2016) (NP), Policy 3 (Design) sets out that development will be required to reflect local character to avoid a detrimental effect on the CA.
10. At the site visit, it was clear to me that due to the evergreen nature of the 'host' tree and the surrounding vegetation, the treehouse was very difficult to spot travelling in both directions along Stockcroft Road.
11. The treehouse only became visible having entered the front driveway of Blackthorn. Its simple design and use of timber materials gives it a legible treehouse appearance. Whilst I acknowledge that it is a somewhat alien feature within a front garden in a CA, I have also taken account of the level of screening, the materials used and the design. I therefore do not agree that the treehouse detracts from the open and verdant nature of the CA as it has such limited visual impact.
12. To that end, I cannot conclude the treehouse would have anything more than a neutral effect on the CA.
13. I therefore do not find harm in relation to the CA, section 16 of the Framework, nor policies DP26 and DP35 of the DP nor Policy 3 of the NP.

The effect on the 'host' tree

14. The treehouse is built directly abutting a Yew tree which is protected under the Tree Preservation Order BA/01/TPO/90. I note at page 7 of the officer's report, the tree is considered by the council's tree officer as '*not of exceptionally high value*'. The same officer also states that it is '*difficult to assess the likely impact*'

the tree house will have on the future health of the trees surrounding the structure, particularly the yew tree’.

15. Policy DP37 (Trees, Woodland and Hedgerows) of the DP seeks to resist development that would damage protected trees, and generally supports new tree planting.
16. I note the officer’s concern and the difficulty in ascertaining the degree to which (if any) harm would occur to the yew tree over time.
17. Whilst I have not found harm in relation to the CA, I note the positive contribution the tree makes to the CA. In order to protect this continued contribution, I agree that a further tree should be planted to mitigate for any potential loss or damage that may occur in the future.
18. For this reason, I consider an appropriately worded condition should be applied in order to mitigate any potential loss or harm to the host tree. In my view this would address the concern of the council’s tree officer and would be in accordance with Policy DP37. The condition would also allow the council some control over the nature of the tree to be planted.

Conclusions

19. For the reasons given, and having regard to all other matters raised, the appeal is allowed, subject to the specified condition.

Sian Griffiths

INSPECTOR