

Report to	<b>Planning Committee</b>
Date	<b>10 September 2020</b>
By	<b>Director of Planning</b>
Local Authority	<b>Mid Sussex District Council</b>
Application Number	<b>SDNP/20/02065/HOUS</b>
Applicant	<b>Mrs Fariba Taheri-Westwood and Mr Mark Westwood</b>
Application	<b>Provision of external cladding, insulation, flue and new roof to outbuilding (part retrospective), new wall to north of house (retrospective), retaining wall close to west boundary (retrospective), wall and entrance gates at south end of house (proposed), terracing of garden (part retrospective).</b>
Address	<b>The Gate House, Poynings Road, Poynings. West Sussex. BN45 7AG</b>

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**Recommendation:**

**That planning permission be granted subject to the conditions set out in paragraph 10.1 of the report.**

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**Executive Summary**

The applicant seeks part retrospective permission for changes to an outbuilding, revisions and additions to the boundary treatments including a new gate and access point and the terracing of the rear garden of this residential property.

Elements of the scheme are part retrospective as the applicant considered that they were undertaking work in accordance with permitted development rights. However, it has been concluded by Officers that a planning application should be submitted so that the retrospective element can be considered alongside the proposed development pertaining to new entrance gates and walls.

It is concluded that the works are acceptable and conserve the character of the area subject to appropriately worded planning conditions.

The application is placed before Members due to the planning history of the site.

**I. Site Description**

- I.1 The Gatehouse is located within the settlement boundary to the north of Poynings, adjacent to the countryside area of Poynings, and some distance outside of Poynings Conservation Area to the south. It is set to the west of Poynings Road, which is a designated classified road.
- I.2 The Gatehouse is a characterful building with a large courtyard style. It was originally an outbuilding, containing stables and storage, for the large detached building known as Downmere to the south of the application site. The Gatehouse is considered to date from the 1920s and it was thought to have once contained a theatre. The Gatehouse's primary elevation contains a distinctive clock tower, and the timber framed windows with leaded lights have timber shutters. The Gatehouse is considered to be a non-designated heritage asset and is not a listed building.

- 1.3 The main building within the site has been refurbished and extended under recent planning consent. Construction is still ongoing and, whilst the main building is not yet complete internally, it is substantially complete externally.

## **2. Relevant Planning History**

- 2.1 The following planning history is relevant to the application site:

- SDNP/18/01971/HOUS - Refurbishment and extension of the existing ancillary building to provide a 5-bedroom family dwelling with the erection of a 2 bay garage with bin and cycle storage adjacent - Approved - 17th August 2018.
- SDNP/19/02968/NMA - New internal configuration/layout of spaces. New glazing layout and specification throughout including new oak frame courtyard glazing design. Revised entrance design to south elevation with oak frame pitched roof overhang. Increase width of proposed extension. Inclusion of conservation style rooflights to main roof. Relocation of chimney. Proposed wood burner flue. Relocation of 2 dormers to suit internal layout - Withdrawn - 11th July 2019
- SDNP/19/04391/HOUS - New internal configuration/layout of spaces. New glazing layout and specification throughout including new oak frame courtyard glazing design. Revised entrance design to south elevation with oak frame pitched roof overhang. Increase width of proposed extension. Inclusion of conservation style rooflights to main roof. Relocation off chimney. Relocation of 2 dormers to suit internal layout – Approved 20 December 2019

## **3. Proposal**

- 3.1 This application does not concern the main building within the site, the adaption and renovation of this non-designated locally listed asset has full planning consent and is being undertaken in accordance with the extant planning permissions.

The application the subject of this report is partly retrospective and relates to an outbuilding, boundary treatments and the terracing of the rear garden. The works comprise:

### Outbuilding

- External insulating blocks (retrospective)
- New roof covering (felt) to outbuilding (retrospective)
- New cladding to outbuilding (proposed)
- External flue on outbuilding (proposed)
- Replacement windows (proposed)

### Boundary treatments

- Retaining wall along south western boundary of the site (retrospective)
- New wall (up to one metre) at front (north end) of house (part retrospective)
- New wall and gates to eastern boundary (proposed)

### Works to garden area

- Terracing of garden (part retrospective)

## **4. Consultations**

### **4.1 Poynings Parish Council: Objection**

- Outbuilding has been massively increased in size
- Whilst there is no suggestion that they plan to make a habitable room, a restriction should be included that this cannot be allowed.
- Structure is now visible from the scenic public footpath, when it wasn't before
- Impact on dark skies area from windows within outbuilding.
- Detrimental overbearing impact to users of adjacent PROW

- The retaining wall has changed the level of the land and is now much higher and built with no foundations.
- Potential flooding of PROW created by retaining wall.
- Impact of boundary walls on highway safety
- The terracing is much higher than before and is now near the top of the new wall and would need a barrier for safety reasons, thus eventually making the wall even higher.
- The 'Wildflower Meadow' does not have suitable medium for cultivation. A full biodiversity survey should be carried out.
- References to 'Modest changes' are not modest in a sensitive National Park.
- Incomplete application, errors and information
- The proposals do not respect the integrity of the original design structure and SD30 and SD31.

#### 4.2 **Conservation Officer:** Comments:

- There is no conservation objection to the addition of the new vehicular and pedestrian gates to the roadside, so long as height is restricted to 1.8 metres and the walls and secondary piers are constructed in Horsham stone. The primary gate piers should probably be provided in brick with stone copings.
- The curved frontage walls are slightly taller than permitted; this is not considered harmful to the setting of the asset.
- The block wall constructed along the causeway is a tall, clumsy feature. If functionally necessary for reasons of levels, it would have been much better constructed in brickwork or stone. Rendering or cladding the 'public' side of the wall is unlikely to be satisfactory in the longer term, though would probably prove harmless and more likely to be maintained on the private, garden side.
- The enlarged outbuilding has little or no bearing on heritage settings and none on that of the Conservation Area as the current boundary is some considerable distance away. The Draft of the Poynings Conservation Area and Management Plan, currently under public consultation, does present an option of extending the Conservation Area boundary to bring in the curtilage of the two Downmere properties. At present, however, this is only an option and no weight can be given to this consideration at the current juncture.

#### 4.3 **Ecology:** Comments;

- Recommend condition requiring a minimum of two bat roosting features such as bat access tiles or equivalent, and a single bird feature such as a sparrow terrace.

#### 4.4 **Highways:** Objection subject to additional information:

- The applicant has not demonstrated visibility for the proposed access. The LHA requests the applicant to provide maximum achievable visibility splays for the proposed access. If splays of 43m are not achievable, the applicant can support a reduction in splays with a seven-day speed survey. The LHA also requests the applicant to demonstrate maximum achievable visibility splays at the existing point of access. Effectively, this is the baseline position from which the proposed access can be assessed against, should visibility splays in accordance with current guidance and standards not be achievable.

**Officer Comment:** The applicant has been working with the Highway Authority and has progressed matters. Members will be updated by way of addendum to committee.

### 5. **Representations**

- 5.1 A total of 15 representations were received for this application, fourteen objecting to the scheme and one in support. The comments are summarised as follows:

#### Objection

- Impact of boundary walls on highway safety

- New wall around the previous gate entrance is not in the correct position
- Impact of increase in living space within outbuilding on highway safety
- Impact of southern structural wall on drainage of the adjacent PROW and enjoyment of users of the footpath
- The wall to the main entrance detracts from the character of the main building
- The outbuilding has been significantly increased in size to detriment to visual amenities of area and to users of the adjacent PROW
- Submitted ecology report is unclear and it is impossible to conclude if there will be an ecological enhancement
- Conditions required so that the outbuilding cannot become a habitable room.

#### Support

- Renovation is a vast improvement to the previously dilapidated site.

## **6. Planning Policy Context**

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plan is South Downs Local Plan (2014-33). The relevant policies are set out in section 7 below.

#### National Park Purposes

- 6.2 The two statutory purposes of the SDNP designation are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
  - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation should be given greater weight. There is also a duty, in pursuance of the purposes to foster the economic and social wellbeing of the local community in pursuit of these purposes.

#### National Planning Policy Framework and Circular 2010

- 6.3 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and the revised National Planning Policy Framework (NPPF) issued in July 2018 and further amended in February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

#### Relationship of the Development Plan to the NPPF and Circular 2010

- 6.4 The development plan policies listed below have been assessed against the NPPF and are considered to be compliant with it.

#### Statutory Requirements

- 6.5 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a series of duties on planning authorities when determining planning applications for planning permission that may affect listed buildings or their setting.
- 6.6 Section 66 (1) states that 'in considering whether to grant planning permission for development which affects a listed building or its setting the local planning authority 'shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses'

#### The South Downs National Park Partnership Management Plan

- 6.7 The South Downs National Park Partnership Management Plan 2020-25 is a material consideration in the determination of the application. The following policies are relevant:

- 1: Conserve and enhance natural beauty and special qualities of the landscape;
- 3: Protect and enhance tranquillity and dark night skies;
- 4: Create more, bigger, better-managed and connected areas of habitat in and around the National Park, which deliver multiple benefits for people and wildlife;
- 5: Conserve and enhance populations of priority species;
- 9: The significance of the historic environment is protected from harm, new discoveries are sought and opportunities to reveal its significance are exploited;

## **7. Planning Policy**

### The South Downs National Park Local Plan (2014-33)

7.1 The following policies of the South Downs Local Plan are relevant:

- SD1: Sustainable Development
- SD2: Ecosystems Services
- SD4: Landscape Character
- SD5: Design
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodland and Hedgerows
- SD12: Historic Environment
- SD15: Conservation Areas
- SD31: Extensions to Existing Dwellings and Provision of Annexes and Outbuilding
- SD20: Walking, Cycling and Equestrian Routes
- SD49: Flood Risk Management

## **8. Planning Assessment**

8.1 The main considerations are:

- a) Principle of Development
- b) The impact of Design and Landscape Impact
- c) Impact on Historic Environment
- d) Drainage
- e) Biodiversity, Ecology and Ecosystem Services
- f) Impact on Surrounding Residential Amenities
- g) Highways, Access and Traffic
- h) Public Rights of Way
- i) Dark Night Skies

### Principle of Development

8.2 The proposal is for changes to a derelict residential outbuilding, new boundary treatment and terracing of the rear garden. This principle of this proposal is considered acceptable. Material considerations such as design, landscape impact, historic environment, Ecosystem Service, Highways and Dark Night Skies will be assessed below.

### The impact of Design and Landscape impact

#### Outbuilding

8.3 This structure, located to the rear boundary of the site, has been subject to an enforcement investigation and much controversy amongst local residents. The applicant claims that the structure was existing and that the works undertaken were done to refurbish the building under permitted development rights. A letter submitted by the builder of the original structure seeks to confirm this fact. The local residents state that the original structure was

much smaller and that the amendments to the structure therefore do not benefit from planning consent as permitted development rights for garden structures were removed by the previous planning consent.

- 8.4 To resolve this matter, the outbuilding has been included within this application so that it can be considered on its planning merits alone. If this application were to be refused, it would open to the applicant to submit a Lawful Development Certificate to seek to prove that the building accords with permitted development rights.
- 8.5 However, for the purposes of the scheme submitted, the planning merits of the outbuilding are being considered. To this regard it is concluded that the outbuilding is acceptable in terms of its siting and design. Whilst, it is visible from the adjacent PROW, it is not detrimentally so, thus not causing visual harm. Once clad in timber it will sit acceptably within the context of a rear garden outbuilding and adjacent to a similar building on the adjacent site, albeit that the application site outbuilding is higher. Furthermore, the boundary to the PROW is well screened with mature vegetation and the outbuilding sits behind this partial screen.
- 8.6 One matter of residents concern that can be addressed through a planning application is the use of the building. It is considered that an unacceptable relationship would be created if the outbuilding were to be occupied separately of The Gatehouse, both in terms of the host dwelling and for the occupiers of the adjacent neighbouring properties. For this reason, it is suggested that a planning condition be applied to limit the use to being incidental to the main dwelling house.
- 8.7 The outbuilding also incorporates a flue for a log burning stove. The applicant states that they intend to use the building as a hobby room and that this will ensure that the building can be utilised through the winter months. It is considered that the external flue is acceptable. The proposed position of the flue has been moved centrally within the roof of the outbuilding through the submission of amended plans, such that it is further away from the adjacent PROW and trees.

#### Boundary Walls

- 8.8 There are three aspects to this part of the planning application. First the new gate and walls to the south of the dwelling and to the eastern site boundary, no design concern is raised with regard to the proposal pending final submission of materials.
- 8.9 Secondly, the front dwarf wall to the north side of the house has been built in general accordance with the scheme as previously approved, except in that it has increased in height at some points from the permitted maximum 0.75 to 1m. This is considered acceptable in design terms as the wall follows the contours of the land. This wall is not considered to be overbearing or an obtrusive element within the streetscene.
- 8.10 The final aspect of the boundary treatment to be considered is the retaining wall to the south west. This wall sits on the application boundary and is up to of two metres in height. A PROW runs past this boundary of the site and concerns have been raised by local residents that the wall is overbearing to users of this footpath. For safety purposes the applicant had intended to raise the height of the wall by a further 1 metre, as the ground level created by structural terracing on the application site is approximately 1 to 1.5 metres higher than the level of the footpath.
- 8.11 It is considered that if the wall were to have been constructed as the applicant had wished, with a further 1 metre above the existing, then this would have formed an unacceptable and overbearing structure for users of the footpath. Alternatively, the Officer has advised the applicant that the wall not be increased in height and accordingly the applicant is intending to provide a permanent planter set back from the boundary wall, within the application site. This is in order to ensure the safety of users of the terrace through the maintenance of a safe distance from the boundary wall.
- 8.12 The wall, as constructed in breeze block, is an unattractive feature in the streetscene. It had been the applicant's intention to render the wall to match the main dwelling house. However, as the wall requires planning permission the applicant has ceased all work on it

and, following advice from Officers, has submitted this application for consideration. To this regard, it is considered that the existing structural wall is of a reasonable height and should not be made higher. Also that it is acceptable to render or clad the wall in so long as it is maintained in good order thereafter.

- 8.13 The third aspect of the scheme is the terracing of the garden. This was undertaken to provide structural support for the approved extension to the main dwelling as the ground conditions were such that additional engineering works were required. The applicant was unaware that planning permission was required for these works. However, it is Officer's consideration that these works do constitute an engineering operation and so it is correct that this application includes this work for consideration.
- 8.14 It is considered that the terrace is acceptable in terms of the visual amenity of the site and that it does not impede the stream that transverses the site. It is concluded that all the application proposals are in accordance with the South Downs Local Plan policies SD4 (Landscape), SD5 (Design) and SD20 (Walking, Cycling and Equestrian Routes)

#### Impact on Historic Environment

- 8.15 The Gatehouse to Downmere is well beyond the current boundaries of Poynings Conservation Area. The building dates to the 1920s, is constructed in a late Arts and Crafts idiom. It is not formally listed but it has, however, been regarded as a non-designated heritage asset.
- 8.16 The Conservation Officer has been consulted extensively throughout the conversion and restoration of the building and raises no objection to the works now proposed except with regard to the south western retaining wall. The Conservation Officer considers that the wall is a tall and clumsy feature that would have been better constructed of brick or stone and has concerns with regard to longer term maintenance of render or cladding. These concerns have been weighed into the planning balance. The wall does not sit within a conservation area or is it visible from it and it is an important supporting structure to the development already constructed under previous planning consent. It is considered that it would be visually acceptable if rendered, and that a condition to require it to be rendered/clad is appropriate. The condition should include an element to require the wall to maintained in a state of good repair. It is considered that such a condition is acceptable and enforceable, particular as it concerns a private dwelling with clear responsibility of the up keep of the wall. The owner has also stated that they would be happy to clad the wall in brick slips if it is considered that this a better finish for the wall than render and the suggested planning condition has been worded such to allow for further negotiation and approval of finishes.
- 8.17 Therefore, it is considered that this proposal adheres to policies SD12 and SD15 of the South Downs Local Plan.

#### Drainage

- 8.18 Submitted representations have raised concerns with regard to the south western structural wall and possible impact to the current drainage of surface water from the footpath into the stream that transverses the application site. The applicant has shown that drainage into the stream has not been impaired and it is considered that an appropriate planning condition will ensure that the drainage pipe is maintained in an effective state thereafter. As such, it is considered that the scheme will accord with Policy SD49, (Flood Risk Management), of the South Downs Local Plan.

#### Biodiversity, Ecology and Ecosystem Services

- 8.19 SD2 of the South Downs Local Plan supports development proposals which provide an overall positive impact on the ability of the natural environment to contribute goods and services. As part of the previous approvals for this site, the applicant provided an ecosystem services statement which proposed the creation of a wildflower meadow within the south west of the garden, a new hedgerow to the southern boundary of the site, 2 bird boxes within the trees in the grounds of the properties on the east face and 1 'sparrow terrace' box placed upon the wall of the property on the eastern face. The applicant has also installed 2 bat boxes on trees located within the south western boundary of the property.

Ecology consultation comments concluded that the measures as submitted were satisfactory.

- 8.20 In order that the current proposals are acceptable, the Ecologist requires that the applicant provides a further minimum of two bat roosting features such as bat access tiles or equivalent, and a single bird feature such as a sparrow terrace. This requirement should form a planning condition.
- 8.21 Therefore, it is considered that the proposal adheres to policy SD2 and SD9 of the South Downs Local Plan and the mitigation measures are considered acceptable.

#### Impact on Surrounding Residential Amenities

- 8.22 The social aspect of sustainable development requires that decision makers must take account of the impact of proposed development, amongst wider issues, on the amenities of the occupiers of surrounding dwellings.
- 8.23 It is concluded that the proposed scheme will accord with the requirements of policy SD05 in terms of the impact on the surrounding residential amenities and that the scheme is acceptable in planning terms to this regard.

#### Highways, Access and Traffic

- 8.24 The Highway Authority has raised concerns about the visibility splays of the new gates and walls to the vehicular access into the site. The applicant has advised that they have been in discussion with the Highway Authority and consider that matters have progressed. It is intended that Members be updated on this aspect by addendum to committee. However, if it cannot be resolved prior to the committee date, it is requested that this element is delegated to Officers to conclude given the nature of the site as a single dwelling house.

#### Public Rights of Way

- 8.25 Policy SD20, (Walking, Cycling and Equestrian Routes) of the South Downs Local Plan, requires that new developments maintain existing rights of way; and conserve and enhance the amenity value and tranquillity of, and views from, non-motorised travel routes and access land. There is a public right of way that runs adjacent to the southern boundary of the site and the impact on this PROW has been considered earlier within this report. It is concluded that the impact of the proposals upon the right of way can be made acceptable through accordance with planning conditions and that the scheme is in accordance with the requirements of policy SD20 of the South Downs Local Plan.

#### Dark night skies

- 8.26 The site is within Dark Night Sky Transition Zone EI(b), however it is in a relatively dark location. As such it is important that the new lights proposed to the gate pillars are low wattage and PIR sensors. An appropriate condition requiring full details of the lights prior to their installation should be imposed. It is considered that the scheme will then adhere to policy SD8 of the South Downs Local Plan.

### **9. Conclusion**

- 9.1 Given the above, and subject to the highway position being resolved it is considered that the proposal is in accordance with the Development Plan and there are no overriding material considerations to otherwise indicate that permission should not be granted.

### **10. Reason for Recommendation**

- 10.1 The application is recommended for approval subject to the following conditions and subject to a legal agreement the final form of which is to be delegated to the director of planning;

#### Timescale

- I. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended) and Section 51 of the Planning and Compulsory Purchase Act 2004.

#### Accordance with Plans

2. The development hereby permitted shall be carried out strictly in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

#### Material details

3. Notwithstanding the permitted details, no further development shall commence on site until a schedule and samples of external materials and finishes to be used in the completion of the outbuilding and boundary treatments, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out strictly in accordance with the approved details.

Reason: In the interests of visual amenity of the area

#### Maintenance of south western boundary wall

4. Within 6 months of the date of this planning consent;
  - (i) the south western boundary wall shall be rendered/clad in accordance with the details submitted and approved to discharge condition 3;
  - (ii) a scheme shall have been submitted and approved in writing by the Local Planning Authority detailing how the future maintenance of the wall will be undertaken.

Reason: To ensure that the wall is maintained in good order in the interests of visual amenity of the area

#### Ecosystem Services

5. A minimum of two bat roosting features such as bat access tiles or equivalent, and a single bird feature such as a sparrow terrace, shall be incorporated into the design of the refurbished outbuilding. Thereafter, the bat and bird features shall be permanently maintained and retained, with a photographic evidence of this feature submitted to the LPA for approval. The bat boxes installed on the site and all mitigation measures and/or works shall be carried out in accordance with the details contained in the submitted and hereby approved Ecosystem Services statement within this planning application.

Reason: To ensure that the measures detailed within the Ecosystems Service Statement are carried out as specified that the development has an overall positive impact on the ability of the natural environment to contribute to goods and services

#### Use of Outbuilding

6. The outbuilding hereby permitted shall be used solely for purposes incidental to the occupation and enjoyment of the dwelling known as The Gate House and shall not be used or occupied separately thereafter

Reason: To safeguard the amenities of the area and to ensure the building is only occupied in connection with the existing dwelling.

#### External Lighting

7. Full details of lighting proposed to the eastern wall boundary pillars shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any lighting to the southern boundary wall and gate pillars. No additional external lighting shall be installed on the building or within the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of night time amenity, tranquillity and protect and conserve the International Dark Night Skies.

#### Drainage Maintenance

8. The drainage pipe through the south western boundary wall shall be maintained at all times in a clear and effective condition.

Reason: To ensure that that the boundary wall does not adversely impact on the current drainage of the footpath.

Informative

- I. Due to the presence of a waterbody along the southern boundary of the site, it is also recommended that the works associated with the construction of the new wall are carried out in line with the current pollution prevention measures and measures to control surface water run-off and the emission of dust.

**11. Crime and Disorder Implication**

- 11.1 It is considered that the proposal does not raise any crime and disorder implications.

**12. Human Rights Implications**

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

**13. Equality Act 2010**

- 13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

**14. Proactive Working**

- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

**TIM SLANEY**

**Director of Planning**

**South Downs National Park Authority**

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Appendices I. Site Location Map

SDNPA Consultees Legal Services, Development Manager

Background <https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Documents [National Planning Policy Framework \(2019\)](#)

[South Downs Local Plan \(2014-33\)](#)

[South Downs National Park Partnership Management Plan 2014](#)

Site Location Map



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