Expiry Date - 16/03/2011

Development Control – Delegated Officer Report

Application Number: ADC/0022/11 **Recommendation – Permit Application**

Site: **4 Newtimber Gardens Shoreham-by-Sea West Sussex BN43 5GQ**

Proposal: **Crown reduction (by 6m in overall spread), height reduction by 2m and crown lifting by 4m (incl. removal of 3 lowest branches) (works to Silver Maple tree subject to TPO 13.53/1/95/SU)**

The Application

The application relates to a silver maple growing in front of No's 4 and 3 Newtimber Gardens, two houses located at 90 degrees to each other in the northern end of the cul-de-sac.

The tree, along with 11 others were made subject to a preservation order 13.53/1/95(SU), in 1995.

In this case permission is sought for a crown reduction of 3m in radial spread (6m across the diameter); a reduction in height of 2m; and a crown lift to 4m including the removal of the three lowest primary branches of approximately 15cm in diameter.

There has been a number of applications relating specifically to the Silver maple adjacent to No.4.

- SU/148/97/TP – Crown reduction 25%. Approved 07.10.97
- SU/10/98/TP – Removal of 3 branches. Approved 17.02.98
- SU/247/01/TP – Crown lift by 2.5m and thinning of 30%. Approved 27.11.01
- SU/259/04/TP – Felling of Acer. Refused 12.01.05

Consultations and Representations

Adur District Council: The Assistant Parks manager has made a site visit and states that the tree is in generally good health with no obvious signs of damage or decay. There appears to be considerable scope for works to address the concerns of the owner and neighbours without the need to fell the tree which is a prominent feature and in good condition. It is recommended that the works be permitted.

Third Parties: There has been one email in support of the application. The owners of No.16 Edburton Gardens states that the tree during the summer is so large that they suffer from loss of light. During high winds branches break

off the tree and fall in our garden, which could cause serious injury. Furthermore the roots of the tree as it continues to grow are a potential threat to the drains. We would support the total removal of the tree. It is of no value/benefit to the locality, it is just a liability to the applicant and the neighbouring properties.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AB23
Shoreham-by-Sea Conservation Area Character Appraisal and Management Strategy (ADC 2008)
Design Bulletin No.1 'Trees and Landscaping' (ADC 1996)
'Tree Preservation Orders: A Guide to the Law and Good Practice' (DETR 2000)

Planning Assessment

Policies
Policy AB23 of the Local Plan state that the Council will make tree Preservation Orders to safeguard existing trees where their loss would have an adverse effect on the existing and future environment and its enjoyment by the public, and all trees will be considered potentially for such Orders unless they are of poor health or appearance, but priority will be given to trees which appear to be under threat and which make a significant contribution to the visual quality and character of a locality.

Effect on the TPO tree
The tree is particularly large and in a prominent location within the street, and whilst one neighbour feels that it does not contribute in a positive manner, it is considered that the tree is important enough to remain subject to the TPO, and that suitable works should be approved provided the long term health of the tree is considered.

The tree has grown to a size where it dwarfs the two adjacent houses (No's 3 & 4) with the branches growing close to them. The site visit was conducted during the period when there were no leaves on the tree, and it is considered that a tree of such size during the summer months would have far more of a visual impact on the street, and on the overshadowing of the front windows of No.3 (located directly to the north), and No.4 to the east. It is therefore considered that the tree would be capable of having a positive impact on the residential amenity of No's 3 & 4 if the crown was reduced in the manner proposed.

It is not considered that the long term health or impact on visual amenity would be adversely impacted by the proposed crown reduction works.

Recommendation

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APPROVE subject to:

1. The works for which Consent is hereby granted must be completed not later than the expiration of one year beginning with the date of this consent.
   Reason: *To retain adequate control over the special amenity value of the trees.*
2. C11Mi
3. The following works are hereby approved:
   a. Crown reduction (by 6m in overall spread), height reduction by 2m, and crown lift to 4m including the removal of the three lowest primary branches.

   Reason: *In the interests of amenity and to comply with policy of AB23 of the Adur District Local Plan.*

Case Officer Carlos Hone Date