Expires
18.5.09

Development Control – Delegated Officer Report

Application Number: ADC/0130/09 Recommendation - Permit

Site: **7 Mill Road Lancing West Sussex BN15 0PT**

Proposal: **30% crown reduction and thinning, lifting crown to 4m above ground level of horse chestnut (6 weeks prior notification of works to tree in Conservation Area)**

The Application

A section 211 notice has been submitted, giving six weeks prior notice of the intention to do works to a horse chestnut tree in the front garden of 7 Mill Lane in Lancing. The works would comprise of the lifting of the crown of the tree to 4m from natural ground level, and the reduction and thinning of the remaining crown by 30%.

The dwelling is located on the west side of the road, on raised natural ground level, with the tree itself being located in the front garden of the house adjacent to the southern boundary.

To the south of the site is an older flint building which comprises a residential dwelling to the front (No.3 Mill Road) and the Parish Church Hall to the rear. The site is separated from the properties to the south by a 1.8m high flint wall, which also acts as a retaining wall.

Consultations and Representations

Adur District Council: The Assistant Parks Manager confirms that the tree is approximately 40 years old and 10+ metres in height. He states that although the area is small there is adequate room for a mature tree, and that the proposed works be permitted.

Adur District Conservation Advisory Group: No objection.

Third Parties: There have been two letters of representation to the application, one on behalf of the Parochial Church Council of St. James the Less, who support the proposed works, but raise concerns about the old flint wall separating the sites, and damage that is being caused by the tree. The occupant of No.3 Mill Road has concerns regarding the stability of the wall during the proposed works.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AB23
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
Local Plan policy AB23 states that Tree Preservation Orders will be made to safeguard existing trees in the District where their loss would have an adverse effect on the existing and future environment and its enjoyment by the public.

Trees
The tree subject to this application is mature and of good appearance, with a good form and shape, which is prominent within the streetscene. Jeremy Sergeant has noted that the proximity to the adjacent house is not something that would be harmful to either the structure of the house or the health of the tree.

The properties to the south have both made representation regarding the wall which separates the two sites, however no specific objections have been raised regarding the actual proposed works. The wall itself is within the conservation area and to demolish it would require Conservation Area consent, if it were to become irreparable or badly damaged through the tree's continued growth. Clearly the wall will need to be monitored by the occupiers of No.3 and the Church Council, and a decision about the tree can be made at a later date. From the site visit the wall appeared in good condition with no obvious breaks or misshapen elements which would suggest the tree should be felled.

The proposed works to the tree would reduce the size of the overall crown through thinning and lifting which would in turn reduce the overshadowing effect on the front windows of the application property. It is not considered that the tree is under threat, or that the proposed works would have an unduly harmful effect on the character of the surrounding Conservation Area.

Recommendation

Do not issue a TPO.

Case Officer: [redacted]
Date: 7.5.09 7/5