DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION No/ADDRESS: WB/10/0471/TPO – Boat Cottage, 13 Warwick Place

DATE OF VISIT: 24th June 2010

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR NOTIFICATIONS (LIST ADDRESSES): N/A

SITE AND SURROUNDINGS:

Grade II listed cottage, part of a row, Nos. 3 to 18 Warwick Place, with open fronted gardens and parking areas opposite and enclosed gardens adjacent to Park Road, at the rear. Within the Steyne Gardens Conservation Area.

PROPOSAL:

To fell a protected Leyland Cypress tree in the north-west corner of the open fronted garden opposite 13 Warwick Place, identified as T4 under the Worthing Tree Preservation Order No. 14 of 1992, and to replant with an indigenous tree.

The reasons for seeking the removal of the tree are that the tree is frequently losing branches and has now become a danger to the adjoining property to the west, 10 Wyke Avenue.

The application seeks consent also to trim back the branches/reduce crown spread of a protected Ash tree in the rear garden of the property, adjacent to Park Road, the tree forming part of Group G2 under the same preservation order.

The reasons for these works are general maintenance of the tree and property.

RELEVANT PLANNING HISTORY:

Tree Preservation Order No. 14 of 1992 confirmed on 26th November 1992

RELEVANT PLANNING POLICIES AND GOVERNMENT GUIDANCE:

DETR: Tree Preservation Orders: A Guide to the Law and Good Practice (March 2000)
British Standard: BS 3998 (1989) "Recommendations for Tree Works."

REPRESENTATIONS AND RELEVANT CONSULTATIONS RESPONSES:

The Borough Arboriculturist supports the application as made, and comments:-

"Support felling of the Leylandii subject to replacement planting. The stump could remain, but some roots would need cutting away to allow suitable space for the planting of a replacement. In this respect, a medium sized Fastigiate deciduous species, such as Betula pendula Fastigiata, Sorbus aria or Prunus sargentii.
With regard to the unspecified work to the Ash, a reduction on the north side by up to 1.5 metres can be supported together with a clean out."

Letters of support for the removal of the Leyland Cypress tree have been received from two nearby residents. The applicant and owner of the tree raises concerns over the safety of the tree in the light of the risks the tree poses to the neighbour in Wyke Avenue through repeated branch loss, very close to their property and east-facing, rear windows

HUMAN RIGHTS:

Article 8 of the First Protocol (Protection of Property) of the Human Rights Act 1998 is relevant to this application. It is accepted that the proposal, if approved, would have some impact on the neighbouring properties. However, it is considered that the level of development proposed would not cause undue harm in terms of additional noise, disturbance and loss of privacy and that, on balance, existing residential quality of life would not be adversely affected as a result of the proposal. Accordingly, it is considered that it is acceptable with regard to Article 8 and Article 1.

PLANNING ASSESSMENT:

The main issues to consider are the impact of the loss of the Leyland Cypress and the effects of the works to the Ash tree on the character and visual amenities of the Steyne Gardens Conservation Area and the surrounding area.

The Leyland Cypress is an unusual tree for this locality. Its position adjacent to the western boundary of the garden opposite 13 Warwick Place is set amongst larger and more dominant protected Sycamore trees that form the main feature of Warwick Place and of this part of the Steyne Gardens Conservation Area.

The removal of this tree, on balance, subject to the planting of a suitable replacement tree, in my opinion, would not seriously detract from the character or appearance of the area to justify of consent on public amenity grounds.

On the issues raised in the representations received, this tree is evidently now vulnerable to breakage of branches. Despite previous branch removal in an attempt to remove a danger and to address the concerns of the neighbour, the tree continues to lose branches.

On balance, it is considered that the retention of the tree has become untenable and that its removal is acceptable on overriding safety grounds.

The proposed pruning of the Ash tree would be minor work, on the north side of the tree over the boundary with No. 14 Warwick Place.

Subject to the extent of these works being restricted under a condition of consent to a clean out by the removal of dead branches and the reduction in crown spread on the north and north-eastern side of the tree by up to 1.5 metres, to suitable growth points, the Ash tree works are considered to be also acceptable and would not be damaging to the appearance of the tree or to the visual amenities of the area.

RECOMMENDATION:

Grant consent, subject to:

1. C8 (G) Replacement tree planting required
2. Restrict works to the Ash tree – specify
3. Time limit for completion of all works – 2 year

REASONS FOR THE RECOMMENDATION: N/A

IS THE RECOMMENDATION CONTRARY TO LETTER(S) OF REPRESENTATION? Y/N

DELEGATED

Case Officer sign..... .Date:.....

Authorising Officer sign.....Date.....9:7:10.....