DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION No./ADDRESS

WB/09/0788/TPO – 22 Gorse Avenue

DATE INSPECTED

24th September 2009

THE SITE AND THE PROPOSAL

22 Gorse Avenue is a detached house, on the east side of Gorse Avenue, just to the south of Offington Avenue.

The application relates to a mature protected English Oak tree (Tree Preservation Order No. 44 of 1997 refers) in the front garden of the property.

Consent is sought to crown reduce the tree by 30% and to reduce its spread from (towards) the property and crown thin.

The stated reasons for the works are…"'tree maintenance in conjunction with the property; last done in 2004."

RELEVANT PLANNING HISTORY

Tree Preservation Order No. 44 of 1997 confirmed on 15th December 1997

May 2004: Consent granted to crown lift to 5 metres, crown thin by 20% and reduce away from the property by 2 metres on one mature English Oak (T2) (WB/04/00399/TPO)

March 2005: Consent refused to crown reduce by 3 metres, crown thin by 40% and crown lift one Wild Cherry (T1) (WB/05/0172/TPO)

RELEVANT PLANNING POLICIES

None

GOVERNMENT GUIDANCE

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

CONSULTATIONS

The Borough Arboriculturist objects to the application works, and comments:

"The proposed works to the mature Oak tree (approx. height 13 metres, spread 10 metres) appear to be unnecessary, and the large crown reduction by 30% is likely to be damaging to its form and amenity value. There appears to be some scope to reduce its spread by a small amount (up to 2 metres in total crown spread, i.e. 1 metre from the crown radius). This would remove some small pendulous branches from the crown next to the building."

REPRESENTATIONS

None

HUMAN RIGHTS

Article 8 (Right to Respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are 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, or tree work, 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 in relation to Article 8 and Article 1, respectively.

PLANNING ASSESSMENT

This protected Oak tree is a prominent, established feature of the area. It is about 13 metres tall, and has a crown spread of about 10 metres. It appears in good condition and, due to its stature, prominence and position within the street scene has high public amenity value.

In 2004, consent was granted to crown thin the tree by 20%, together with a reduction of branches towards the property (east side of the crown) by up to 2 metres, and a crown lift to 5 metres (WB/04/00399/TPO). These works were carried out.

The proposed crown reduction works would reduce the tree by approximately 4 metres in height and by approximately 3 metres in spread, leaving the tree with a much reduced, and disfigured, crown with a height of between 8 and 9 metres and a spread of between 6 and 7 metres only.

It is considered that these works would be disfiguring and damaging to the natural form, branch structure and appearance of the tree, leaving the tree with an unsightly, stunted form, which having regard to its prominence within the street scene, would be detrimental to the visual amenities of the area. This part of the application is unacceptable, and refusal is recommended.

A minor reduction in crown spread towards the property, by up to 1 metre, is however, acceptable, and would preserve the natural form and appearance of the tree within the street scene in a sympathetic manner. Such work can be agreed to under a Split Decision consent, which is recommended in this case.

RECOMMENDATION

That a **Split Decision** be issued, as follows:

(A) Grant consent to reduce spread towards the property (east side) by up to 1 metre, subject to:

1. Restrict works
2. Time limit – 1 year

(B) Refuse crown reduction, on the following grounds:

1. The proposed 30% crown reduction in height and spread of the English Oak tree, T2, would be disfiguring and damaging to the natural form, branch structure, stature and appearance of the tree which having regard to its prominence within the street scene, would be detrimental to the visual amenities of the area.

IS THE RECOMMENDATION CONTRARY TO LETTER(S OF REPRESENTATION? Yes/No

DELEGATED

Case Officer sign… [redacted] Date: 28th October 2009 .....

Authorising Officer sign [redacted] Date 2·11·09