Expiry Date - 10/02/2012

# DELEGATED APPLICATIONS ASSESSMENT SHEET

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| Application No: 11/0163/TPO | Recommendation – Approve Application |
| Site | Loxley Gardens Bulkington Avenue Worthing West Sussex |
| Proposal: | Application for consent under Worthing Tree Preservation Order No. 4 of 2000 to crown lift to 7 metres above ground level one Horse Chestnut (T1) to rear of property; to crown lift one Beech tree at front of property to 6 metres above ground level on its northern side towards the property; and to crown thin and to reduce spread over public footway on one Purple-leaved Plum (Part of Group G1) |

Date of Site Visit: 12th January 2012

Neighbours Checked: Y

Additional Neighbours Notified (List Addresses): N

Site and Surroundings & Details of Proposal

The application relates to 3 protected trees at Loxley Gardens, Bulkington Avenue under the Worthing Tree Preservation Order No. 4 of 2000: a Horse Chestnut (T1) in the rear garden and a Beech and a Purple-leaved Plum (Part of a group of three trees, G1) in the front garden of the property.

Consent is sought to crown lift the Horse Chestnut to 7 metres, to crown lift the Beech tree to 6 metres on its northern side towards the building and to crown thin and to reduce the spread of the Purple-leaved Plum over the public footway.

The reasons for the works are to enhance lighting levels to the adjoining properties and to the flats in Loxley Gardens, respectively, and highway safety.

Loxley Gardens comprises 14 flats in two x 2-storey linked/converted residential buildings with rear car parking, for which planning permission was granted in 1986. It is situated on the north side of Bulkington Avenue, 85 metres to the west of from the junction of South Farm Road with Bulkington Avenue. The site is surrounded by 2-storey dwellings.

Consultations and Representations

The **Borough Arboriculturist** supports the application in respect of the works to the Horse Chestnut tree and the Beech tree and the reduction in spread of the Purple-leaved Plum, as made. He comments that the thinning of the Purple-leaved Plum should be restricted to a maximum of 20% thinning.

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 tree work proposed would not cause undue harm in terms of additional noise, disturbance or 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 this is acceptable with regard to Article 8 and Article 1.

Planning Assessment

The Worthing Tree Preservation Order No. 4 of 2000 was confirmed by Worthing Borough Council, as made, on 17th July 2000.

The following previous tree works on this site have been approved, only some of which appear to have been carried out:

July 2003: Consent WB/03/00754/TPO: *Horse Chestnut* (T1): Crown lift to 5 metres, thin by up to 20%, minor crown reduction to sides and clean out; *2 Sycamores* (G2): Crown lift to 5 metres and minor reduction to give clearance of 2 m to adjacent buildings. *Beech* (Part of G1): Crown lift, north side, to 3 m and minor reduction towards the building.

The Horse Chestnut tree, T1, in the rear garden of the property, is an established feature of the site and of the surrounding area. It is a lapsed pollard with a height of approximately 14 metres and a crown spread of approximately 12 metres. The lower branches on the tree have been removed or cut back in the past to a height of approximately 5 metres above ground level, to growth points. The bulk of the crown arises from the original pollard points on four primary scaffolds that, together, form a dense, compact crown. The tree appeared in good condition at the time of inspection.

The proposed crown lift to 7 metres would remove the lower secondary side branches, all round the tree to give a further 2 metre crown lift above the previous crown lift to 5 metres that was approved in 2003. They would remove the epicormic growth and the lower side branches to raise the crown uniformly to 7 metres above ground level, to growth points.

Given the overall height, spread, branch structure, crown form and appearance of the tree, these works would be relatively minor, so long as they are restricted to this maximum only and are carried out to the British Standard BS 3998 (2010) Recommendations for Tree Work. On this basis, they would not be disfiguring or damaging to the tree's amenity value, whilst affording benefits in lighting to adjoining properties, and are acceptable.

The Beech tree in the front garden is a particularly prominent feature of Bulkington Avenue, having high public amenity value.

The proposed crown lift on the Beech tree to 6 metres on its northern side would remove the lower secondary and tertiary branches and reduce the spread of the higher smaller branches towards the building, to 6 metres above ground level, to growth points.

These works would tend to give the tree a more upright crown form adjacent to the building; however, as the rest of the tree would not be affected, these works would not significantly or adversely affect the appearance or amenity value of the tree when viewed from Bulkington Avenue, whilst enhancing lighting levels to the south-facing flats in the building, and are acceptable, subject to their being carried out to BS 3998 (2010).

The reduction in crown spread of the Purple-leaved Plum over the pavement, to give a higher/safe clearance over the public footway, should be restricted to a crown lift on its southern south side, over the pavement, to 3 metres, to growth points. The thinning of the crown of this tree is not strictly necessary, as it is a small tree. However, there is scope for a minor crown thin to enhance the amenity value of the tree, along with the proposed minor crown lift, and in this respect, on the advice of the Borough Arboriculturist, a 20% crown thin is acceptable, and on this basis, is recommended for approval.

Subject to conditions, as set out above, being imposed, the application is acceptable.

Conditional consent is recommended.

Recommendation

**Grant consent,** subject to:

1. Restrict tree works
2. Time limit for implementing the works – 1 year

Is recommendation contrary to letter (s) of representation? No/~~Yes/NA~~

DELEGATED

Case Officer
Sign [redacted] Date 19th January 2012

Authorising Officer
Sign [signature] Date 23/1/12