DELEGATED APPLICATIONS

PLANNING ASSESSMENT

APPLICATION No/ADDRESS

DATE INSPECTED

WB/08/1212/TPO – St. George's Lodge, 46 Chesswood Road January 2009

PROPOSAL AND THE SITE

St. George's Lodge, 46 Chesswood Road, is a large detached property, divided into flats. It is situated on the south-eastern corner of the junction of Chesswood Road and Ladydell Road.

The application relates to a protected Holm Oak tree, T4 under the Worthing Tree Preservation Order No. 9 of 1977, and situated in the north-eastern corner of the front garden.

Consent is sought to crown lift the tree by two metres over the front lawn of the property.

The reasons for the works are to increase clearance under the tree and to allow more light to the lawn.

RELEVANT PLANNING HISTORY

Tree Preservation Order No. 9, 1977 confirmed on 22nd September 1977.

CONSULTATIONS

The Borough Arboriculturist supports the application as made.

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 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.

RELEVANT PLANNING POLICIES

Approved West Sussex Structure Plan 2001 – 2016: Policies: CH1

PLANNING ASSESSMENT

The proposed remedial tree surgery works are acceptable, in principle, in visual amenity terms.

However, a more accurate description of the works should read, "Crown lift to 4 metres above ground level," rather than "to crown lift by 2 metres", and this has now been done.
The reason for this is that crown lifting is always measured from ground level, and not in proportion to the tree's lower branches themselves. Subject to this change in the description, to clarify the works that are acceptable, conditional consent is recommended to be granted.

The works should include the crown lifting of this tree *uniformly* to a height of 4 metres above ground level, both within the site and over the driveway to Chesswood Lee, 48/50 Chesswood Road, as this necessary to remove a nuisance to the neighbour, even though this has not been specifically applied for. In so doing, the tree would have a balanced shape, which would improve its appearance and enhance its amenity value within this locality.

Subject to this change in the description being made, and the works including crown lifting to 4 metres uniformly above ground level, the application is acceptable, and conditional consent is recommended to be granted.

RECOMMENDATION

Grant consent, subject to:

1. Restrict works

INFORMATIVES: IN14M; IN14H; IN14O; IN14 special, to clarify Condition 1

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

DELEGATED

Case Officer sign... [redacted] ..... Date: 2nd February 2009

Authorising Officer sign [redacted] ..... Date 2.2.08