DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION No./ADDRESS

WB/10/0251/TPO – 22 Gorse Avenue

DATE INSPECTED

15th April 2010

THE PROPOSAL AND THE SITE

No. 22 Gorse Avenue is a detached house, situated on the eastern corner of Gorse Avenue with Offington Avenue. The application, made by the occupier of No. 19 Offington Avenue, relates to a protected Wild Cherry tree – T3 under the Worthing Tree Preservation Order No. 44 of 1997 – in the eastern side of the front garden of 22 Gorse Avenue. The tree is situated adjacent to, and partly overhangs, the boundary with 19 Offington Avenue.

Consent is sought to crown lift the Cherry tree by 2 metres and to crown reduce the tree by 2 metres.

The reasons for the works are that the tree overhangs and is lop-sided on its eastern side onto No. 19 Offington Avenue, causing excessive shading. The works would are remove the excessive growth of the tree on that side.

RELEVANT PLANNING HISTORY

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

RELEVANT PLANNING POLICIES and NATIONAL PLANNING POLICY GUIDANCE

British Standard: BS 3998 (1989) 'Recommendations for Tree Works'.
DETR: Tree Preservation Orders – A Guide to the Law and Good Practice (March 1992)

CONSULTATIONS

The Borough Arboriculturist objects to the extent of work applied for, and comments:

"The extent of works applied for are likely to be damaging to the form and condition of this prominent Cherry; but a lesser amount would achieve similar results without the damage. In this respect, a crown lift to 4 metres, a reduction in spread to the east by up to 1 metre and height by 0.5 metre can be supported."

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 involved 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

The protected Wild Cherry *(Prunus avium)* is a prominent, established feature of the street scene, situated close to the corner of Offington Avenue with Gorse Avenue.

The tree partly overhangs the boundary of 22 Gorse Avenue with 19 Offington Avenue. The tree is evidently causing a problem of excessive shading to that neighbouring property due to its size, spread and position.

Whilst the applicant's concerns are recognised, it is important, in the interests of safeguarding the visual amenities of the area, that any permitted works to the tree take into account the natural form, branch structure, shape, balance and appearance of the tree and do not result in excessive pruning or disfigurement of the tree.

The works for which consent are sought are for the crown lifting of the tree by 2 metres and crown reduction by 2 metres.

These works would remove a substantial portion of the tree's crown form and spread on its eastern side, which, in my opinion, would be damaging to the tree's appearance and amenity value. Given the prominence of the tree within the street scene, these proposed works would therefore be detrimental to the visual amenities of the area. Under a Split Decision, refusal of consent for these works is recommended.

However, on the advice of the Borough Arboriculturist, there is scope to undertake a more sympathetic form of remedial works, to achieve the same results to the applicant's property, without damaging the tree's natural crown form and appearance. These works are crown lifting to 4 metres by the removal of the lower secondary branches up to a height of 4 metres above ground level, and the reduction of the side branches above this level on the eastern side of the tree by up to 1 metre, and its height, by 0.5 metre, to suitable growth points. Such works would address the applicant's concerns over the lop-sided form of the tree and the shading it is causing to his property, without disfiguring the tree, and can be supported and agreed under a Split Decision Conditional Consent.

On this basis, a Split Decision should be issued, relation to the unacceptable, and acceptable, works, respectively.

RECOMMENDATION

That a Split Decision be issued, as follows:

A. Refuse consent to crown lift by 2 metres and crown reduce by 2 metres the Cherry tree, T3, on the following grounds:

1. The proposed crown lifting of the protected Wild Cherry tree by 2 metres and its crown reduction by 2 metres 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.

B. Grant consent to crown lift to 4 metres and reduce crown spread on east side by up to 1 metre and height by 0.5m on the Cherry tree, T3, subject to:

1. Restrict works
2. Time limit – 2 years

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

DELEGATED

Case Officer Sign..... ...Date: 4th May 2010

Authorising Officer Sig...Date: 5.5.2010