DELEGATED APPLICATIONS
ASSESSMENT SHEET

APPLICATION No. and SITE: WB/11/0135/TPO – 11 West Park Lane

DATE OF VISIT: 13th March 2011

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR CONSULTATIONS: N/A

PROPOSAL, SITE AND SURROUNDINGS

The application relates to a protected Atlas Cedar tree, T6 under the Worthing Tree Preservation Order No. 12 of 2002 in the front garden of No. 11 West Park Lane. The tree is one of 12 protected Cedar trees in West Park Lane.

Consent is sought to carry out the following surgery to the Atlas Cedar, T6:

(i) Reduce crown back from over the driveway by approximately 3 metres;
(ii) Reduce crown back from the property by approximately 2 metres;
(iii) Reduce height by approximately 2 metres;
(iv) Thin the remainder of the crown by approximately 20%.

The applicant's stated reasons for the works are:

Risk to owner, owner's family and passers by of large branches falling down (as has already happened);
Risk to the above of the tree falling in high winds, due to its size, as the roots are very shallow;
Lack of light to the front garden, paths, car and house, causing moss & damage to the garden, paths, car & house;
Lack of amenity, because of the mess from needles, sap, branches falling and cones that have to be constantly cleared from the front, the car and the house;
Lots of dead branches occurring in the centre of the tree due to lack of light;
"I have owned this house for 30 years and only now is this being applied for (as I am now obliged to), but in those 30 years I had one branch removed which was drooping on passers by. "

11 West Park Lane is a 2-storey semi-detached single dwelling. It forms the western half of a pair of houses, Nos. 9 and 11 on the south side of West Park Lane towards its eastern end.

RELEVANT PLANNING HISTORY

Tree Preservation Order No. 12 of 2002 confirmed on 13th August 2002

RELEVANT SAVED PLANNING POLICIES & NATIONAL PLANNING POLICY GUIDANCE

British Standard BS 3998 (2010) Recommendations for Tree Works

REPRESENTATIONS

The Borough Arboriculturist raises concerns over the extent of the works applied for, and comments:

"The tree has a good natural form which could be damaged by the works applied for and are not necessary. There is evidence of branch failure on this tree. However, the minor reduction in spread towards the house and over the drive would not be damaging and could be supported. This together with a crown clean to remove dead, dying and abrading branches would help increase light and in this regard a crown lift may be a better approach."

HUMAN RIGHTS

Article 8 of the First Protocol (Protection or Property) of the Human Rights Act 1998 is relevant to this application. It is accepted that this 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

This established Atlas Cedar *(Cedrus atlantica)* has a good natural crown form, balance, height and spread, and is a prominent feature of West Park Lane, having high public amenity value.

The proposed works would substantially reduce the height and crown spread of the tree, as well as substantially thin out the crown.

It is considered that these works, cumulatively, would disfigure and damage the tree's natural form, branch structure and appearance, which given its stature and good form and its prominence within the street scene, would be detrimental to the visual amenities of the area.

The Borough Arboriculturist advises that there is scope to undertake a lesser extent of works than those applied for, without adversely affecting the tree's amenity value whilst going some way to addressing the applicant's concerns. Such works could include a crown lift, a clean out to remove dead, dying and abrading branches and reductions in spread by up to 2 metres towards the house and over the driveway.

It would be open to the applicant to re-apply for consent for such works, with the suggestion that she employ a qualified tree surgeon, who could coordinate the above works into a revised application with a view to finding a suitable compromise.

However, the works applied for could not be carried out without damaging its amenity value.
Refusal is therefore recommended.

RECOMMENDATION

Refuse, on the grounds that:

1. The proposed crown reductions and thinning of this prominent, established Atlas Cedar-tree, cumulatively, would disfigure and damage the natural form, branch structure and appearance of the tree, which given its stature and good form and its prominence within the street scene, would be detrimental to the visual amenities of the area.

REASON FOR THE RECOMMENDATION: N/A

IS THE RECOMMENDATION CONTRARY TO LETTERS OF REPRESENTATION: Y (N)

DELEGATED

Case Officer sign.....[redacted].....Date: 26th April 2011.....

Authorising Officer sign.....[redacted].....Date.....28/4/11.....