DELEGATED APPLICATIONS ASSESSMENT SHEET

Application No: 11/0231/TPO	Recommendation – Approve Application
Site	Fairways Links Road Worthing West Sussex
Proposal:	Application for consent under Worthing Tree Preservation Order No. 24 of 1990 to fell four Beech trees (alternate trees in Group G5) in front garden, and to fell one Laurel and Bay (Part of Group G4) in rear garden

Date of Site Visit: 31st March 2011

Neighbours Checked: Y

Additional Neighbours Notified (List Addresses): N

SITE AND SURROUNDINGS & DETAILS OF PROPOSAL

Fairways, Links Road, is a detached house. It is one of 12 detached houses on the west side of Links Road that forms the edge of the built-up area to the north of the A27/A24 Warren Road, with Worthing Golf Course to the east, and set within generally well wooded grounds, many with trees that are covered by Tree Preservation Orders.

The application concerns six trees which are part of two groups of protected trees, G4 and G5 under the Worthing Tree Preservation Order No. 24 of 1990. Group G4, in the rear garden, consists of a group of three trees comprising a Silver Birch, a Laurel and a Bay, and Group G5 in the front garden consists of a group (originally) of 12 Beech trees which has naturally thinned out, leaving nine main specimens forming an old Beech hedge line.

Consent is sought to fell the Laurel and Bay trees in the rear garden (retaining the Silver Birch tree in G4) and to fell four Beech trees in G5, as alternate trees in the line as shown on the submitted plan.

The application follows the withdrawal of application WB/09/0451/TPO in July 2009. It follows advice given at that time by Council officers on the scope for tree works that would have overcome Planning objections, and has been re-submitted for consent as a revised proposal, following the previous advice, to which the applicant's covering letter of 17th March 2011 refers.

CONSULTATIONS AND REPRESENTATIONS

The Borough Arboriculturist supports the application. He comments:

"The application to remove alternate [Beech] trees (numbers 1025, 1027, 1029 and 1031) is supported as it would have no impact on the amenity value of the group and it would benefit the growth of the retained trees."

The occupier of the adjoining property to the north of the site, at Nepcote Chase, raises concerns that the removal of the trees the subject of the application would encourage further building on the site, particularly a garage and a new driveway. Consideration should be given by the Council to allowing only the topping of the trees, instead of removal.

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 this decision complies with the Human Rights Act 1998, with regard to Article 8 and Article 1

PLANNING ASSESSMENT

In February 2011, full planning permission was granted to erect a two-storey dwelling and detached garage, with access on the north side of Fairways, on land at the rear of Fairways and Copseland, Links Road (WB/10/0971/FULL).

The current application is a resubmission of and revision to application WB/09/0451/TPO. It seeks consent to fell the Laurel and Bay trees only in G4 and to fell four alternate Beech trees in G5 in the front garden.

In principle, the thinning out of both groups of trees, G4 and G5, is acceptable on this site, subject to the provision of suitable replanting, in the interests of the visual amenities of the area.

Firstly, in the rear garden, the Laurel and Bay trees are small, rounded trees that are more in the form of shrubs along the southern perimeter of the rear garden, surrounded by taller, established planting, including the protected Silver Birch tree forming part of the same group, G4. *Leylandii* hedging adjoins the boundary with Copseland, Links Road to the south.

The removal of the Laurel and Bay trees in Group G4 therefore, in my view, would not unacceptably diminish the character and visual amenities of the area to justify refusal. However, in view of the extant permission for the development of the rear of the site with a detached dwelling and garage, and the likelihood of a proposal for a replacement garage at Linkside coming forward, suitable replacement tree planting should be required upon the removal of the Laurel and Bay trees in G4 as part of any consent to fell, in the interests of safeguarding the visual amenities of the area.

Secondly, the thinning out of the group of 12 Beech trees in the front garden, G5 by the proposed removal of four of these trees, i.e. the removal of alternate specimens following the tagged numbering of the trees in connection with application WB/10/0971/FULL, is also supported on visual amenity grounds. Such removal would not give adequate grounds for refusal, as by thinning out the group of trees in this manner, the remaining five Beech - the better/larger specimens in the group - would grow much larger in this position and become a much more significant group of Beech trees for the future. However, by careful reference to the four trees in question in a condition of consent, using the same numbering tags, only these trees in the group would be permitted to be removed.

The concerns raised by the neighbour have been carefully considered. However, these would not, in my opinion, justify refusal of consent for these particular tree felling works, as the issues of erecting a garage and forming a new driveway near to protected trees would have to be considered separately, on their merits, under an application for planning permission. A grant of consent for these tree removal works, subject to the requirement for suitable replacement planting to be provided within a period of five years (to tie in with conditions of WB/10/0971/FULL, would safeguard the visual amenities of the area adequately.

Conditional consent is accordingly recommended.

RECOMMENDATION

Approve, subject to the condition(s):

Reasons for Recommendation: Not applicable

Is recommendation contrary to letter (s) of representation?

~~No~~/Yes/~~NA~~

DELEGATED

Case Officer
Sign..... [redacted] .....Date..24th May 2011.....

Authorising Officer
Sign..... [redacted] .....Date.....25/5/11.....

JM