DELEGATED APPLICATIONS ASSESSMENT SHEET

Application No: 11/0194/TPO	Recommendation – Refuse Application
Site	11 Furze Road Worthing West Sussex BN13 3BP
Proposal:	Application for consent under the Worthing Tree Preservation Order No. 6 of 1971 to fell one Monterey Cypress tree in north-eastern part of site

Date of Site Visit: 14th April 2011

Neighbours Checked: Y

Additional Neighbours Notified (List Addresses): N

SITE AND SURROUNDINGS & DETAILS OF PROPOSAL

11 Furze Road is a large detached dwelling, situated off the south side of Furze Road. It lies within a residential area consisting predominantly of 2-storey detached dwellings. The property is served by two driveways, one off Furze Road and the other off Mill Lane. To the north is 9 Furze Road, a large detached property beyond which is Salvington Windmill, to the east are three detached chalet dwellings, The Haven, The Pleasance and The Folly beyond which are Hill Top, Green Banks and Peteeni, Mill Lane, to the south is Malham, Firsdown Road and to the west is Firsdown, Firsdown Road and Priory Cottage, 15 Furze Road.

Consent is sought to fell a mature Monterey Cypress tree in the north-eastern part of the site adjacent to the property's driveway to Mill Lane.

The tree is protected under the Worthing Tree Preservation Order No. 6 of 1971.

The grounds for felling are safety. These are set out in full under 'Representations' below.

CONSULTATIONS AND REPRESENTATIONS

The applicant's arboricultural consultant has submitted the following report on the tree and grounds for felling the tree:

" The Monterey Cypress is a mature tree with a lean to the south-west towards the property. At least 90% of the area to the north-east is covered by tarmac with a considerable area of compacted ground to the southwest due to parking/general vehicular movement. It has a history of movement within the main stem (the iron railings were once touching the main stem but now has a gap of approx. 25mm from iron work to stem).
The tree is exhibiting signs of Coryneum Canker *in the high canopy and although a relatively slow spreading fungus is very disfiguring and often fatal* (Strouts & Winter Diagnosis of Ill Health in Trees). *This led to a number of limbs being shed, which in turn has led to open areas forming which have subsequently caused limb failure due to the exposed position of the trees; the most recent failure being this [last] winter due to the weight of snow. There is considerable deadwood within the canopy. The entire centre section of the main canopy is dead.*

There are currently 10 storm damaged branches within the canopy: 4 x storm damaged sections within the canopy on the south-west sector between 6 - 10 m height from ground; 3 x storm damaged sections within the canopy on the south-east sector between 7 - 9 m height from

ground; 3 x storm damaged sections within the canopy on the north-east sector between 7 - 9 m height from ground.
There is evidence of a previous large limb on the east sector at 5 m leaving an open wound. Sited on the north-northwest sector at 5 m is an area of included bark with a number of kissing/arresting limbs within the high canopy. The potential for the thickening of the timber past this kissing point is high which in turn could lead to failure at this point.
The tree is over the access to three further properties along the lane. Any form of failure on the north and north-east quadrant will impeded access to and through these properties."

Concerning the possibility of replanting, the applicant's agent comments further:

"The client will not be replanting after the proposed felling, as the current tree is almost incased in tamac now and replanting on this site would be almost impossible. The client has recently completed a large amount of planting near the tree concerned in the application."

The occupier of the adjoining property to the west, Priory Cottage, 15 Furze Road, objects to the application, and comments:

"I would like to register my objection to this application. I consider the mature Monterey Cypress tree to be a key and attractive feature of this area and must be preserved. Has your office exhausted looking into all other options? If the motivation behind the felling is to reduce interference with 11 Furze Road, could this not be achieved by lopping some of the boughs that are nearest to the property?"

The Borough Arboriculturist **objects**, and comments:

"The Macrocarpa *tree is in a reasonable condition, and there is no evidence to support its removal on safety grounds. The tree is prominent in views from Furze Road, and its removal is not supported."*

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 applicant's Rights. However, it is not considered that the harm caused by the proposal outweighs these and that in the public interest the application should be refused. Accordingly it is considered that this decision complies with the Human Rights Act 1998, with regard to Article 8 and Article 1.

PLANNING ASSESSMENT

This mature Monterey Cypress tree can clearly be seen from Furze Road to the north, and is a prominent, established feature of the area of high public amenity value.

The Borough Arboriculturist advises that the tree is in a reasonable condition. There is no evidence to support the felling of the tree on safety grounds, and given the stature of the tree and its prominence from Furze Road, its removal cannot be supported.
The occupier of 15 Furze Road endorses the significant amenity value of the tree and opposes the loss of this tree, on the grounds that it a key and attractive feature of the area which should be preserved.

The grounds for felling have been carefully considered; however, on balance, these do not, it is considered, sufficiently outweigh the amenity value of the tree to justify felling having regard to high amenity value of the tree to this area, and its reasonable condition.

The lack of opportunity to replace the tree due to driveways and buildings in the vicinity of the tree further militates against the loss of such a prominent feature tree. The proposal would therefore unacceptably erode the character and visual amenities of the area.

Refusal is recommended.

RECOMMENDATION

Refuse for the following reason(s)

1. The felling of the Monterey Cypress tree, which is a prominent, established feature of the area having high public amenity value and landscape value, would be detrimental to the character and visual amenities of the area.

Reasons for Recommendation: Not applicable.

Is recommendation contrary to letter (s) of representation?

No/~~Yes~~/NA

DELEGATED

Case Officer Sign..... [redacted] .....Date..23rd May 2011.....

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

JM