DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION No/ADDRESS: WB/10/0500/TPO – 89 Poulters Lane

DATE OF VISIT: 24th June 2010

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR NOTIFICATIONS (LIST ADDRESSES): N/A

SITE AND SURROUNDINGS:

Detached two-storey property, divided into two flats, Nos. 89 and 89a Poulters Lane, within a low density residential area. Poulters Lane is classified A2032.

PROPOSAL:

To fell two protected Hawthorn trees in the front garden of the property adjacent to Poulters Lane and to provide replanting.

The applicant's stated grounds for felling are:

- Poor quality trees; Ivy clad and generally poor aesthetically; West tree showing signs of decline;
- Owner would like to re-plant and generally tidy up the area, to enhance the property.

RELEVANT PLANNING HISTORY

1958: Permission granted to convert property into 2 flats (WB/454/58)
1998: Tree Preservation Order No. 24 of 1998 confirmed on 20th November 1998
July 2010: Provisional Tree Preservation Order No. 5 of 2010, made 14th July 2010, includes the two same Hawthorn trees plus two Beech trees, as a revised Group G1.

RELEVANT PLANNING POLICIES AND GOVERNMENT GUIDANCE:

DETR: Tree Preservation Orders – A Guide to the Law and Good Practice (March 2000)

REPRESENTATIONS AND RELEVANT CONSULTATIONS RESPONSES:

The Highway Authority raises no highway objections.

The Borough Arboriculturist objects, and comments:

"The felling of this pair of trees is not supported; both are in a reasonable condition, although they are being significantly suppressed by Ivy, which should be removed. The two trees form a prominent under-storey to the adjacent highway tree (a Lime). Two young Beech trees within this planting strip have now developed to the extent that they could be considered for a TPO."

HUMAN RIGHTS:

Article 8 of the First Protocol (Protection of Property) of the Human Rights Act 1998 is 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 with regard to Article 8 and Article 1.

PLANNING ASSESSMENT:

The two Hawthorn trees form part of a larger group of four trees, comprising the two Hawthorns and two Beech trees, as revision to Tree Preservation Order No. 24 of 1998 under the recently made provisional Worthing Tree Preservation Order No. 5 of 2010.

Either as a pair of trees or as part of the group of four trees, G1, the trees, due to their prominence within the street scene make a significant contribution to the character and visual amenities of the area.

The main issues to consider are whether the grounds for felling justify permitting the removal of the trees subject to replanting.

The Borough Arboriculturist advises that the trees are in a reasonable condition.
The removal of the Ivy on the trees (for which consent under the Tree Preservation Orders is not required, as the Ivy is not protected) would considerably enhance the appearance of these trees and the front border of the property without the need to fell the trees. This would meet the main concerns of the applicant over the appearance of the trees and this front border, without the need to fell.

In the light of these findings, the applicant's grounds for felling are not considered to be of sufficient weight to justify permitting the felling of the trees against their public amenity value.

The applicant's offer to replant and to generally tidy this area and to carry out any works outside the birds' nesting season, would not, on balance, override these considerations and having regard to the enhanced amenity value and prominence of the enlarged Group of four trees in this position, G1 under TPO 5 of 2010.

The application is considered to be unacceptable on the grounds that the loss of these Hawthorn trees, which are a prominent, established feature of the area within the street scene, would be detrimental to the character and visual amenities of the area. Refusal is recommended.

RECOMMENDATION

Refuse, on the grounds that:

1. The felling of the two Hawthorn trees, which are a prominent, established feature of the area within the street scene, both as a pair of trees, G1 under the Worthing Tree Preservation Order No. 24 of 1998 and as part of a group of four trees, G1 under the Worthing Tree Preservation Order No. 5 of 2010, would be detrimental to the character and visual amenities of the area.

REASONS FOR THE RECOMMENDATION: N/A

IS THE RECOMMENDATION CONTRARY TO LETTER(S) OF REPRESENTATION? Y/(N)

DELEGATED

Case Officer sign..... [redacted] .Date: 3rd August 2010

Authorising Officer sign. [redacted] ..Date..3/8/10.....