DELEGATED APPLICATIONS
ASSESSMENT SHEET

APPLICATION No. and SITE: WB/11/0014/TPO – 10 Cherry Tree Close

DATE OF VISIT: 17th February 2011

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR CONSULTATIONS: N/A

PROPOSAL, SITE AND SURROUNDINGS

10 and 11 Cherry Tree Close are two detached houses, built in 1986, along the northern boundary of which (rear gardens) is a row of 15 protected established Beech trees that form part of Group G2 under the Worthing Tree Preservation Order No. 91 of 2001.

The application, made by the owner occupier of No. 15 Palmers Way to the north, seeks consent to crown reduce these 15 Beech trees by approximately 25% in height. The reasons are that the trees are excessively shading the gardens of 10 and 11 Cherry Tree Close and 15, 17 and 19 Palmers Way, which is significantly reducing the amenity value of the gardens and properties concerned.

RELEVANT PLANNING HISTORY

Tree Preservation Order No. 4 of 1985 confirmed on 9th July 1985
Tree Preservation Order No. 91 of 2001 confirmed on 18th February 2002
March 2004: Consent granted to crown lift to 6m and reduce overhang over the garden of 15 Palmers Way by 2.5m on mature Beech trees in Group G2 (WB/04/00191/TPO)

RELEVANT SAVED PLANNING POLICIES & NATIONAL PLANNING POLICY GUIDANCE

DETR: Tree Preservation Orders: A Guide to the Law and Good Practice (March 2000)
British Standard: BS 3998 (2010) Recommendations for Tree Works

REPRESENTATIONS

Five letters of support for the application been received from the occupiers of 5 properties in Palmers Way, including Nos. 17 and 19 Palmers Way.

The grounds for supporting the tree works are:

(i) the trees have grown too tall and are excessively high for their position and pose a danger in high winds;
(ii) they considerably reduce sunlight and daylight to the gardens of the properties concerned;
(iii) they tend to dominate the skyline, so their reduction would make a better view and be more open and in keeping with the locality.

The Borough Arboriculturist supports the application in principle. He comments:

"The row of Beech trees are in the range of approximately 16 – 17m height and are a tall and narrow form by virtue of their relative close spacing as a line of boundary trees. The reduction in height can be justified on arboricultural grounds because of their form in this exposed position and if undertaken sensitively would not damage their amenity value. In this respect I can support their reduction to a finished height of 13m with occasional trees to 12m to give a natural variation to the group. This should be undertaken by drop crotching to retain the flowing outline of the crowns and to maximise wound healing and new growth. The works should be undertaken between September and March inclusive to be least damaging to the trees."

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 row of 15 Beech trees is a prominent, established feature of the area. The trees have fairly narrow crowns, which is as a result of their close planting originally as a line of boundary trees. The trees appeared in good health at the time of inspection. Some of the trees in the group are taller than others, which is part of their variation of form. The trees vary between 16 and 17 metres in height, which gives the group a natural flowing height form and appearance. The trees have high public amenity value.

The 25% crown reduction works applied for would result in a reduction in the finished height of the trees by up to 4 metres, i.e. from their 16 to 17 metres approximate present height, to a predominant lower height of 13 metres.

The Borough Arboriculturist advises that so long as the works are restricted to these works only, and if sensitively undertaken by drop crotching - a height reduction technique that retains some of the vertical branches whilst reducing others at the top to adjacent side branches - to leave the trees with a finished height of 13 metres with occasional trees to 12m, the application can be supported, and such works would not be damaging to the amenity value of the trees.

The benefits of these tree works to the applicant's property and other properties in sunlighting and daylighting terms may be marginal only, particularly as these trees are a naturally dense screen. Gauging such benefits, and whether they do proceed, is a matter for the applicant and the owners of the trees. The letters of support advocate the application works, some on safety grounds, although there is no evidence of damage to the trees that has necessitated crown reduction on safety grounds since the Tree Preservation Order was made.

In visual amenity terms, the proposed tree works would not be damaging to the natural form, appearance or amenity value of the trees; and the trees would remain a prominent feature of the area, so long the works are restricted to the works applied for and detailed in a condition of consent, as recommended by the Borough Arboriculturist, in order to preserve the flowing height form of the trees and their amenity value.

Given these factors, there would not be adequate grounds for resisting the proposed tree works, and the application is considered to be acceptable.

Conditional consent should accordingly be granted.

RECOMMENDATION

Grant consent, subject to:

1. Restrict tree works to crown reduction in height by approximately 4 metres, by drop crotching, to leave the trees with a finished height of 13 metres, with occasional tree at 12 metres, reflecting the flowing height form of the group of trees, to suitable growth points and in accordance with British Standard BS 3998 (2010)

2. Time limit for completion of tree works – 2 years

REASON FOR THE RECOMMENDATION: N/A

IS THE RECOMMENDATION CONTRARY TO LETTERS OF REPRESENTATION: Y/N

DELEGATED

Case Officer sign.....Date: 14th March 2011.....

Authorising Officer sign.....Date.....17·3·11.....