DELEGATED APPLICATIONS
ASSESSMENT SHEET

APPLICATION No. and SITE: WB/11/0061/TPO – 38 Lansdowne Road

DATE OF VISIT: 11th February 2011

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR CONSULTATIONS: N/A

PROPOSAL, SITE AND SURROUNDINGS

Consent was granted on 30th November 2010 to reduce the spread of a protected Maidenhair Tree *(Ginkgo biloba)* at 38 Lansdowne Road on its eastern side. The works were restricted under Condition 1 of the consent to the reduction in spread by up to 0.5 metre on its eastern side, to clear the roof and guttering of the adjoining property, No. 36 Lansdowne Road, and with a time limit for completion of the work of one year. Concurrently, under a split decision, consent was refused, on visual amenity grounds, for a 20% reduction of the Maidenhair Tree; T2 under the Worthing Tree Preservation Order No. 24 of 1995.and application WB/10/0876/TPO refer.

Consent is sought under the current application to reduce the lateral branches on the western side of the tree, towards 38 Lansdowne Road, by 1.5 metres, and to reduce the lateral branches on the eastern side of the tree, towards No. 36 Lansdowne Road, by 0.5 metres.

The reasons for the works are to rebalance the crown in order to improve the appearance of the tree, in view of its proximity to No. 36 Lansdowne Road.

RELEVANT PLANNING HISTORY

Tree Preservation Order No. 24 of 1995 confirmed on 19th September 1995.

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

The Borough Arboriculturist supports the application as made.

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 protected Maidenhair Tree is a prominent feature, of public amenity value, within the street scene.

The tree has an ascending form, which is typical of this species. This gives the tree a relatively small sideways spread in relation to its height. Some of its branches on its eastern side overhang No. 36 Lansdowne Road, and may become a problem unless suitable pruned, whereas the leader and the top branches do not significantly overhang the boundary with No. 36.

Consent WB/10/0876/TPO permits the reduction of the side branches on the eastern side of the tree by up to 0.5 metre only, which is sufficient to clear the gutters and roof of No. 36 adequately, without reduction in height. These works have not yet been carried out, and this revised application seeks consent to re-balance the tree, having regard to these permitted remedial works.

The proposed reduction in the spread of the tree on its western side, towards No. 38 Lansdowne Road, by 1.5 metres, coupled with the same reduction on its eastern side as previously approved, i.e. by 0.5 metre maximum, would re-shape the tree in a sympathetic manner to its natural form and stature and to its position between these two buildings, without reducing its prominence or adversely affecting its condition and appearance.

On this basis, in visual amenity terms, subject to the works being restricted under a condition of consent to these maximum revised tree works only, unless otherwise agreed in writing with the LPA and carried out within a period of one year from the date of consent, the application is considered to be acceptable.

RECOMMENDATION

Grant consent, subject to:

1. Restrict tree works
2. Time limit – 1 year

REASON FOR THE RECOMMENDATION: N/A

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

DELEGATED

Case Officer sign.....Date: 23rd March 2011.....

Authorising Officer sign.....Date 28·3·11