DELEGATED APPLICATIONS **ASSESSMENT SHEET**

APPLICATION No./ADDRESS **DATE INSPECTED**

WB/09/0859/TPO – 40 Ladydell Road 29th October 2009

THE SITE AND THE PROPOSAL

The site is a detached 2-storey dwelling. It is situated on the north-eastern corner of the junction of Ladydell Road and Dawes Avenue. The application relates to a protected Ash tree, T1 under the Worthing Tree Preservation Order No. 3 of 2007, in the south-western corner of the site.
Consent is sought to reduce the crown spread of the tree, by up to 2 metres off the existing branch lengths.
The stated reasons for the works are that the tree overhangs the adjacent pavements and roads on this corner, it blocks out light to the house and is too close to the building.

RELEVANT PLANNING HISTORY

Tree Preservation Order No. 3 of 2007 confirmed on 1st May 2007

RELEVANT PLANNING POLICIES

None

GOVERNMENT GUIDANCE

Tree Preservation Orders – A Guide to the Law and Good Practice: DETR, March 2000
British Standard BS 3998 (1989) *Recommendations for Tree Works.*

CONSULTATIONS

The Borough Arboriculturist comments:

"Support a reduction in crown spread by 2 metres in radius, to reduce the total crown from approximately 12 metres to 8 metres. A crown lift was not applied for, but the tree would benefit from this, and I would support a crown lift to 4 metres and a crown clean."

REPRESENTATIONS

A letter raising representations concerning the extent of the proposed tree works has been received from the occupier of No. 25 Ladydell Road, opposite the site. The writer raises no objections to the reduction in spread by 2 metres off the existing branch lengths, but if more were cut off this would affect the Ash tree.

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 it is acceptable in relation to Article 8 and Article 1, respectively.

PLANNING ASSESSMENT

The Ash tree is a prominent, established feature of the area, and of high public amenity value. The tree's spread is, however, significantly over the adjacent highways and towards, and partly over, the house.

The proposed crown spread reduction by 2 metres off the existing branch lengths would remove the overgrowing branches, in an adequate and sympathetic manner to the tree's natural form and appearance.
These works, in my opinion, would not adversely affect the stature or prominence of the tree, or its public amenity value, provided that the works are restricted to the reduction in radial spread (side branches) only by up to 2 metres, maximum, but not the height of the tree, in order to safeguard the visual amenities of the area.
Subject to a condition restricting the works on this basis, the application is considered to be acceptable in visual amenity terms.

RECOMMENDATION

Grant consent, subject to:

1. Restrict works
2. Time limit – 1 year

IS THE RECOMMENDATION CONTRARY TO LETTER(S OF REPRESENTATION? Yes/No

DELEGATED

Case Officer sign.. [redacted] Date: 6th November 2009 .....

Authorising Officer [redacted] Date 9.11.09