Development Control – Delegated Officer Report

Application Number: AWDM/0358/12 **Recommendation –Refuse**

Site: **41 Mill Road, Lancing, West Sussex**

Proposal: **Fell 6 Holm Oaks subject to TPO 162/2/77/L and replace with Silver Birch**

Date of site visit: - 27.03.12

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to 6 established large Holm Oak trees (T10-T15) to the front of 41 Mill Road, North Lancing. Permission is sought to fell all 6 trees and to replace with Silver Birch. The trees form part of a Tree Preservation Order which covers 17 trees along Mill Road, Lancing, 162/2/77/L.

The applicant's reasons for requiring the felling of the trees as submitted with the original submission are summarised below: -

- Risk of subsidence due to high water demand of trees and damage to building. Four houses are at risk.
- The trees attract pigeons, health hazard and slipping hazard on the driveway.
- Holm Oaks produce fever like symptoms.
- The presence of the trees makes it impossible to grow anything else.
- Better 'prettier' trees would enhance the view.
- The trees reduce natural light to dwellings, a new house would not receive consent based on the loss of light impact.
- Interfere with TV signal.
- Works to trees such as lopping and pruning would lead to more vigorous growth. This is a financial burden and cost would be passed to the Council.
- Increased growth over the road is a traffic hazard.
- Risk of disease from pigeon faeces.
- Reference to NHBC standards for building near trees.

The applicant's agent was advised that supporting evidence was required in relation to the justification for the felling of the trees. Following this on 16th July 2012 an Engineers Report and Arboricultural Report was submitted by the agent. The additional information advised that the overall condition of the trees is good to fair. Pruning work and crown reduction is overdue. T10, T11 and T15 make little contribution to the street scene, crown reduce other three trees.

Relevant site history: L/55/04/TP – Crown reduction of 2 Holm Oak Trees and crown lifting/thinning of 4 others. 10th May 2004

Consultations: ***Adur District Council: -*** The Assistant Parks Manager originally advised the following: -

- The structural damage must be proven felling is not necessarily a solution there maybe other options.
- The supporting evidence is a list of why they do not like the trees.
- Holm Oaks are considered worthwhile trees throughout the district. Many examples are TPOs and many more in public parks and open spaces.
- There is no information relating to the trees condition or importance.
- Large mature trees
- National House Building Council (NHBC) is for new homes and does not relate to existing builds.
- The presence of birds does not affect the viability or condition of a tree.

Additional Comments following submission of Engineers Report and Arboricultural Report: -

- The trees are healthy
- From what can be seen the Engineers Report confirms that the trees have not caused damage to the properties.
- The main concern seems to be how big the Holm Oaks can grow. There are no requests made to reduce or carry out any other works to these trees.

Representations: 1 representation has been received from the owner occupier of 43-45 Mill Road stating that would it be possible that the replacement Silver birch be of notable size at planting stage (6 metres plus) in order to immediately replace the loss of beauty that felling the Holm Oaks will effect.

Relevant Planning Policies

British Standard: BS 3998 (2010): Tree Work - Recommendations

Planning Assessment

The Tree Preservation Order was confirmed by the Council on 30th November 1977. As stated above it included 17 trees along Mill Road in north Lancing.

The 6 Holm Oak trees are grouped closely together and are large, of good health and highly prominent within the street scene. They are located on the west side of Mill Road to the front of the dwelling house.

The applicant's grounds for wishing to fell the trees have been carefully assessed. It is not considered that either the reasons given nor the evidence provided justify the felling of the 6 established Holm Oak trees which are subject to tree preservation order 162/2/77/L. No application for works to the

trees has been submitted therefore consideration is only given to the proposal to fell the 6 preserved trees.

The trees as a group make a significant contribution to the appearance of the streetscene. The proposed felling of these prominent, established trees would be detrimental to the character and visual amenities of the area.

Refusal is recommended

Recommendation

Refusal: -

The submitted evidence does not adequately demonstrate that the felling of the group of trees is necessary and expedient such as to override their public amenity value. As a group the 6 preserved Holm Oak trees make a significant contribution to the character and appearance of the street scene and visual amenity of the locality. The trees are large, prominent and in good health. They have a high public amenity value as a group and form a dominant feature within the local area. The felling of the group of trees would be detriment to the character and visual amenities of the locality.

Is recommendation contrary to letter(s) of representation? N

Case Officer: Hannah Barker Date: 5th September 2012

Authorised by: Jo Morin Date: 6 Sept 2012*358/12*