DELEGATED APPLICATIONS
ASSESSMENT SHEET

APPLICATION No. and SITE: WB/11/0004/TPO – Weald House, Links Road

DATE OF VISIT: 21st January 2011

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR CONSULTATIONS: N/A

PROPOSAL, SITE AND SURROUNDINGS

Weald House is a modern 2-storey detached house, situated towards the southern end of Links Road, with planning permission from 2003, and built in 2004. The application relates to an individual Western Red Cedar tree *(Thuja plicata),* T1 under the Worthing Tree Preservation Order No. 15 of 2000, in the front garden of the property. The tree is situated in the lawn of the front garden, in front of the house.
Consent is sought to fell the Western Red Cedar tree, T1 and to replant with a tree of native species, *or* to reshape and reduce the same tree by 30% (as an alternative to felling).

The applicant's reasons concern the proximity of the tree to the house and its size. The reshaping and reduction of the tree by 30% as an alternative to felling is to reduce risk to the property and to improve the tree's amenity value.

RELEVANT PLANNING HISTORY

November 2000: Tree Preservation Order No. 15 of 2000 made; Confirmed 5th January 2001
J[redacted] 2003: Permission granted for 1 detached house (Weald House) (WB/03/00698/FULL)
August 2003: Consent *refused* to fell 2 Western Red Cedar (T1 and T2) (WB/03/00818/TPO)
May 2004: Consent granted to crown lift T1 & T2 and reduce spread of T2 towards building (WB/04/00475/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

The Borough Arboriiculturist objects to the application, and comments: *"The felling is not supported because of the good condition and amenity value of the tree. A reduction as follows* could be supported *to address concerns about light to the front of the house: Crown lift by removal of the lowest limb on south side; reduction of spread on west side towards the house and the north and south sides by up to 1 metre. A reduction in height cannot be supported, because of its potential damage to the natural form of the crown."*

HUMAN RIGHTS

[redacted]
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

The Western Red Cedar tree, T1 under Tree Preservation Order No. 15 of 2000, is one of two individual Western Red Cedar trees (T1 and T2) under the Tree Preservation Order in the front garden of the property. The trees were protected in 2000 when part of the former site of Rawdon House, Links Road. They were retained as a feature of Weald House under planning permission WB/03/00698/FULL, completed in 2004.

Both Western Red Cedar trees are prominent, established features of the area, having high public amenity value. The trees appeared in a good condition at the time of inspection, and have a good natural form and branch structure, typical of the species, with no signs of decay or disease in either tree.

No evidence has been submitted by the applicant to support either the felling of the Western Red Cedar tree, T1 or the proposed, substantial, 30% reduction in height and spread of the tree, as an alternative to felling, which should override the amenity value of the tree.

The applicant appears to be concerned about the size and proximity of the tree to the front of the house; however, the tree is situated at a distance from the house that is compatible with the development and with its surroundings.

To address previous concerns, both trees were crown lifted in 2004 by the removal of the lowest braches and by the removal of a side branch on T2 towards the house (WB/04/00475/TPO). In 2003, consent was *refused* to fell these trees, on the grounds that their removal would be detrimental to the character and visual amenities of the area (WB/03/00818/TPO).

Similar visual amenity considerations to those pertaining in 2003 and 2004, still apply to these trees.

In the light of the Borough Arboriculturist's advice and the above findings, there are considered to be insufficient grounds on which to permit the felling of tree T1, as this would be detrimental to the visual amenities of the area. The alternative of reshaping and reducing the height and spread of this tree by 30% would be disfiguring and damaging to the tree's natural form, branch structure, stature and appearance, and amenity value.

Having regard to the prominence of the tree, these tree work proposals would both be detrimental to the character and visual amenities of the area, and are unacceptable.

Whilst the applicant has offered to plant a replacement tree of a native species if T1 is allowed to be felled, this, in my view, would not adequately make up for the loss of such a prominent, established tree. Both Western Red Cedar tree, T1 and T2 have much more public amenity value, as a pair of trees, than if one tree remained.

The Borough Arboriculturist advises that there is scope to carry out selective works to the tree T1, such as the removal of the lowest limb on the south side and a reduction in spread by up to 1 metre on its west side towards the house and on its north and south sides. These alternative works could be supported to address the applicant's concerns about light to the house, without adversely affecting the tree's appearance or amenity value.

RECOMMENDATION

Refuse, on the grounds that:-

1. The proposed felling, or the 30% reshaping/crown reduction, of the Western Red Cedar, T1 under the Worthing Tree Preservation Order No. 15 of 2000, which is a prominent, established feature of the area, would be detrimental to the character and visual amenities of the area, having regard to the natural form, good condition and appearance and the stature and high public amenity value of the tree.

REASON FOR THE RECOMMENDATION: N/A

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

DELEGATED

Case Officer sign.....Date: 16th February 2011.....

Authorising Officer sign.....Date.....28/2/11.....