DELEGATED APPLICATIONS
ASSESSMENT SHEET

APPLICATION No. and SITE: WB/11/0013/TPO – 7 Warwick Place

DATE OF VISIT: 28th January 2011

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR CONSULTATIONS: N/A

PROPOSAL, SITE AND SURROUNDINGS

The site is a 3-storey Grade II listed building on the east side of Warwick Place, and within the Steyne Gardens Conservation Area. The application relates to a protected Black Mulberry tree, T1 under the Worthing Tree Preservation Order No. 14 of 1992 in the southern part of the rear garden of the property.The submission includes a Notification under Section 211 of the Town and Country Planning Act 1990 of intention to fell a row of 8 Leyland Cypress conifers on the southern boundary of the site. (The application has been advertised on this basis).

Consent is sought to reduce the south-facing limb on the Black Mulberry tree by 2 to 3 metres, overhanging the adjacent building, Park Road Garage to the south. The reasons are to prevent damage to the roof of the Garage.

The removal of the conifers is because branches have snapped out of the trees and have landed on the Garage roof. The trees have no real value. Shrubs would be planted in their place.

RELEVANT PLANNING HISTORY

1989: Designation of extended Seafront and Hinterland Conservation Area
September 1992: Tree Preservation Order No. 14 of 1992 made; Confirmed 26th November 1992
2000: Designation of Steyne Gardens Conservation Area

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 comments: *"Light pruning of the Black Mulberry should be limited to reduction or removal of secondary branches to give 0.5m clearance to the adjacent Garage building. There is no objection to the removal of the Leylandii trees. It is suggested that these be replaced by Holly in variety, Garrya elliptica, Fuchsia japonica, bamboo in variety and Itea ilicifolia, which are suitable for north-facing walls and will give a lower evergreen screen to the Garage."*

HUMAN RIGHTS

Article 8 of the First Protocol (Protection of 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 Black Mulberry tree is of great age, most likely around 200 years old, and a valuable asset to the historic setting and grounds of the listed building, 7 Warwick Place and its original flint boundary wall along the southern boundary of the site and to the Steyne Gardens Conservation Area in which it is situated.

The tree spreads southwards, over the roof of Park Road Garage, and it is evident that some of the small lowest branches are abrading the building.

The proposed reduction in the spread of the tree by 2 to 3 metres would reduce one of its primary branches very significantly, which would be damaging to a tree of such age. This extent of reduction would also be much more than is needed to clear the building and prevent branches from abrading against the wall of the building or its roof.

On the advice of the Borough Arboriculturist, the reduction work in acceptable in principle, and should be restricted to reduction or removal of secondary branches on south side, to give a clearance of 0.5 metre to the adjacent Garage building. Such works would preserve the amenity value of the tree, without damaging its form, appearance or condition.

On this basis, conditional consent is recommended to be granted.

The row of Leyland Cypress trees are situated very close to the listed flint boundary wall along the southern side of the rear garden of 7 Warwick Place. They are interfering with the adjacent building, due to their spread and position. Whilst the trees (or at least the eastern most ones in the row) are visible from Park Road, they would not qualify for protection under a Tree Preservation Order, in view of the above findings.

To accord with Section 213 of the Town and Country Planning Act 1990, it is recommended that, on public amenity grounds, replacement tree and shrub planting be provided along this boundary, but of a species and in a position that would not adversely affect the adjacent building or the listed flint wall on this site. On the advice of the Borough Arboriculturist, suitable species for the replanting should be conveyed to the applicant by way of an Informative attached to the Consent, if granted.

RECOMMENDATION

[redacted]**nt consent,** subject to:

1. Restrict works to the protected Black Mulberry tree to those specified in this report, unless otherwise agreed in writing with the LPA

   Reason: To preserve the character and appearance of the Steyne Gardens Conservation Area in which the tree is situated.

Informatives

IN14 H – Works to be carried out to BS 3998 (2010) Recommendations for Tree Works
IN14 M – Restrict works
IN14 O – Disposal of Waste
The applicant is advised that the following species would be suitable along the north-facing wall of the rear garden, to replace the row of Leyland Cypress trees, the removal of which is also acceptable:
Holly in variety, *Garrya elliptica*, *Fatsia japonica,* bamboo in variety, and *Itea ilicifolia.*

REASON FOR THE RECOMMENDATION: N/A

[redacted]

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

DELEGATED

Case Officer sign..... [redacted] ...Date: 16th February 2011.....

Authorising Officer si[redacted] ....Date.....28·2·2011.....