

TREE WORKS CONSENT REPORT

REF NO: WA/61/09/T

LOCATION: Cedar Cottage
Wandleys Lane
Walberton

PROPOSAL: Reduce crown of 1 no. English Oak tree by 45% & prune dead wood

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The tree the subject of this application but various trees within the vicinity.
BOUNDARY TREATMENT	Hedging to front with wooden gates and brick piers approximately 2m in height, rear has shrubs and tree screening over 3m in height, west side boundary has hedging approximately 1.8m in height, east side boundary close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Detached two storey property with detached double garage at front of site and gravel driveway. The property has brown brickwork with flint detail, tudor affect at upper level, white window frames with a red tiled roof.
CHARACTER OF LOCALITY	Semi-rural location with detached properties in Wandleys Lane of various styles and designs.

RELEVANT SITE HISTORY

WA/27/96/T	Light crown lifting and crown thinning to reduce overhang and shading problems and to check natural die back of one English Oak tree.	Approve Cond 15-05-1996
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REPRESENTATIONS

Representations received:
Walberton Parish Council
Objection.

A site inspection was carried out by the Council's Tree Warden. It is difficult to assess

whether the 45% which they wish to remove is on the lower branches or all over. I spoke to the owner of the neighbouring property and she had not inspected the orange notice and she gave me the impression she would not favour any major work although the tree overhangs their property. Without a compelling reason I would ask that work to this extent should not be allowed. That corner of the parish contains some of the finest trees, nearly all oaks and the precedent of allowing beheading would not be a good policy.

Comments on Representations received:

Noted.

CONSULTATIONS

Horticulturist

Consultations responses received:

A Tree Preservation Order was placed on this tree when Woodlea Cottage was constructed and to my knowledge no application has been received to carry out surgery to this tree. The surgery specified in the application is too drastic and will result in a very unsightly tree with the main structure being reduced to a limited number of very bare boughs. No arboricultural report has been submitted and although the application states that the tree is overhanging the neighbours property Woodlea Cottage to cut that amount back to the boundary would render the tree very unbalanced. In view of this the application should be refused. However, I suggest that the maximum reduction of 15% from the end of the branch work could be undertaken by a qualified Arborist under the supervision of the Arboricultural Officer.

Comments on Consultation responses:

Noted and agreed.

POLICY CONTEXT

Designation applicable to site:

Outside the Built Up Area Boundary
Area of Special Control for Advertisements
Tree Preservation Order WA/1/89
No Public Sewer
PDR on WA/82/01 and WA/44/02

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN28	Trees and Woodlands

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS7	Sustainable development in rural areas

SUPPLEMENTARY POLICY GUIDANCE

XXX1	Circular 36/78
XXX2	DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPOs, are not specific to

trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The English Oak tree which is covered by Tree Preservation Order WA/1/89 is located in the south west corner of the rear garden. Due to its height and spread the tree is visible from the front of the site in Wandleys Lane and of visual amenity value.

The application seeks to reduce the tree by 45% with crown thinning and reduction as the tree is overhanging the neighbouring property to the rear Woodlea Cottage. No arboriculturist report has been submitted with the application to justify this work. The Council's Arboriculturist has visited the site and the tree is a superb specimen and in a healthy condition. He is of the opinion that the proposed surgery is too drastic and this would render the tree unbalanced with bare boughs.

It is therefore recommended that the application be refused for the following reason.

RECOMMENDATION

REFUSE

- 1 The Oak tree is a significant feature in the local landscape and makes a significant contribution to the character of the area. In the absence of any arboricultural justification the proposed surgery would result in the excessive reduction of the tree's landscape impact and would be detrimental to the visual amenities of the locality in conflict with policies GEN7 and GEN28 of the Arun District Local Plan.