

**Application Number:** BH2010/01518                      **Ward:** Rottingdean Coastal  
**Address:** 15 Wanderdown Close, Ovingdean  
**Proposal:** To fell 1 x Fraxinus excelsior (Ash) covered by Tree Preservation Order (No 15) 1973. (Area Order).  
**Officer:** Di Morgan, tel. 01273 292929  
**Date Received:** 19 May 2010  
**Applicant:** Mr Henry Mason

## **1 Introduction**

1.1 The purpose of the report is to consider the above application.

## **2 Recommendation**

2.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 7 of this report and resolves to **refuse** consent.

## **3 Description of the Application Site**

3.1 The tree the subject of this application is situated in a large brick planter in the rear garden of 15 Wanderdown Close. There are no other trees of this stature in the garden. The rear of the property is single storey, the front of the property is two storey. The tree pre-dates the property and the planter in which the tree stands is not the original planter built to retain the tree.

## **4 Proposal**

4.1 The applicant wishes to fell this tree as it has caused cracks in the retaining wall of the planter, it is lifting the patio right next to the house, it causes excessive shading and overhangs the house. The applicant has stated they will replace the tree with one of a more appropriate size.

## **5 Considerations**

5.1 The tree the subject of this application is approximately 10 - 12 metres high with a crown spread of approximately 8 metres. The main stem of the tree divides into two at 2 metres. The tree pre-dates the property and is covered by an Area Tree Preservation Order.

- 5.2 The planter in which the tree stands is just over 1 metre in height. The tree is towards the southern end of the planter, approximately 1.5 metres from the edge. There is approximately 2 metres to the western edge of the planter and 2 metres to the eastern edge of the planter, with a further 2 metres to the property (making the tree a distance of approximately 4 metres from the property).
- 5.3 The planter itself is made of single-skin brick and the mortar in places has cracked but not dislodged. This may have been caused by the tree's roots. This is not the same brick as the property itself, or the boundary wall of the property. The owner of the house was present at the time of the inspecting officer's visit and said that the current brickwork of the planter was put in by them. She thought that the original brickwork was behind this, but it could not be seen.
- 5.4 Near where the wall is cracked (see para above), the patio between the planter and the house is indeed raised. The mortar between the tiles laid on the patio has not cracked and shows no sign of distress, and for this reason the inspecting officer suspects that the tree's roots have not caused this raised area. In this area, there appears to be a different inlay of bricks that appear to be the size of a drain cover, and we therefore question if this raising of the patio area has been present since the time of its construction.
- 5.5 The tree has a high compact canopy that overhangs the house. The fact that the tree is situated in a raised planter means light can pass under the canopy and allow light into the house.
- 5.6 This tree is highly visible from the public footpath and road on which this property sits.

## **6 Relevant Planning History**

- 6.1 BH2004/03172 – An application was received to fell this Ash, the reasons given for this application being – too near the bungalow – very dangerous in Autumn – gutters get blocked – feel most concerned when we have strong winds. The application was refused, the reasons being that the tree showed no obvious signs of decay, pathogens or instability, no obvious indications of structural damage to the retaining wall or the property.

## **7 Conclusion**

- 7.1 This tree is situated in the rear garden, however, it is still highly visible from the road and pavement. It has high public amenity value.
- 7.2 At the time of the inspecting officer's visit, there were no obvious signs of pathogens or structural instability.

- 7.3 The retaining wall of the planter could be fixed and the tree remain in situ, the wall being rebuilt using engineering methods designed to absorb the impact of any root activity.
- 7.4 The canopy of the tree could be pruned to alleviate the problems being experienced regarding shading and overhang.
- 7.5 The tree is currently covered by an Area Tree Preservation Order. Should the Arboricultural Section update this Order to identify individual trees, this tree would most certainly be considered for inclusion in any new Order.

**BH2010/01518: 15 Wanderdown Close**

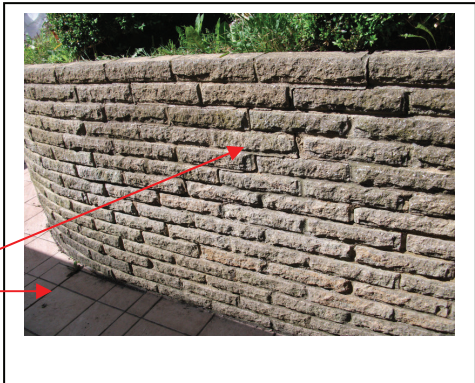


The tree the subject of this application.



Tree in approx 1m high planter in rear garden of property.

Slight cracking to wall and raised patio slabs.



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**BRIGHTON & HOVE CITY COUNCIL**  
**TOWN & COUNTRY PLANNING ACT 1990**

**TOWN & COUNTRY PLANNING (TREE PRESERVATION) (No 15) ORDER 1973**

APP. No. BH2010/01573

ADDRESS:

15 Wanderdown Close

J. Rowlands



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J. Rowlands  
Director of Environment

