

CONSERVATION AREA NOTIFICATION

ASSESSMENT SHEET

APPLICATION NO: CA/26/0017: Little Whitcombe Church Street Steyning.

REPRESENTATION AND CONSULTATION RESPONSES:

Steyning Parish Council has indicated no objection to this notification.

One telephone representation have been received in respect of this notification.

ASSESSMENT:

This notification refers to a Mixed Species group of trees / hedge whose trunks at their base are located with the grounds of no. 12 Church Street, and the trees in question therefore fall outside of the notifier's ownership.

Regarding the proposed works, it is acknowledged that lateral pruning may be undertaken under common law rights. This permits the cutting back of overhanging vegetation to the applicant's property boundary.

However, it should be clarified that the trees forming part of this group are not within the applicant's ownership. Therefore, any works beyond lateral pruning, specifically reduction in height, fall outside the scope of common law rights and the Councils decision on this section 211 notice.

Accordingly, any such height reduction would require the prior agreement of the tree owner, being the landowner on whose land the trees are rooted.

For clarity, common law rights apply solely to the abatement of overhanging lateral growth and do not extend to alterations in tree height, regardless of any perceived impact the height may have on the applicant's property.

It is noted that the hedging is not visible from any public right-of-way. As such, it does not meet the necessary criteria for public amenity value and therefore does not warrant protection by means of a Tree Preservation Order (TPO); it is not considered that the works to the tree in question will result in any adverse impact upon the character and amenities of the Conservation Area.

Accordingly, it is not considered necessary or appropriate to protect the tree in the group with a tree preservation order to prevent the works being completed as proposed.

RECOMMENDATION:

No objection to notification.

Authorising Officer sign.....ANBU.....**Trainee Arboricultural Officer**

Date.....04 Jun 18.....