

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 30 April 2014

Subject: TPO13/016: Determination of appeal against refusal of tree works consent for the felling or pollarding of trees at 37 Oxhill Road, Dumbarton

1. Purpose

1.1 To advise the Committee of the outcome of a planning appeal.

2. Recommendations

2.1 That the Committee notes the outcome of the appeal

3. Background

3.1 An application to carry out works on two trees covered by a Tree Preservation Order was refused on 3 February 2014. The proposed works involved the felling or pollarding of two mature lime trees in the back garden of the applicant's property. The application was refused on the grounds that the trees form part of a line of mature trees that make a significant contribution towards the visual amenity of the area, and removal of the trees or pollarding to reduce their height by half would erode this landscaping feature to the detriment of visual amenity. No evidence was submitted by the applicant to indicate that the trees were unhealthy or unstable, and therefore felling or pollarding of the trees was not considered to be justified.

4. Main Issues

4.1 The applicant lodged an appeal against the refusal of tree works consent, which was determined by a Scottish Government Reporter following written submissions and a site visit.

4.2 The Reporter stated that the trees are part of a line of around 26 lime trees that form an impressive backdrop and contribute greatly to the amenity of the Helenslee Crescent estate. He found that although the 2 trees are among the smallest of the group and are somewhat separated from the other limes in the row, they are on the highest ground and are thus prominent members of the row. The Reporter noted that no evidence had been submitted to suggest that the trees were diseased or unstable, and he considered that they appear to be healthy, and that the upper branches are thin and unlikely to cause serious damage or injury should they breakaway. The Reporter concluded that while the trees may cause some issues relating to leaf fall and overshadowing of 35 and 37 Oxhill Road, he did not consider that these

impacts are so severe as to outweigh the clear amenity value of the trees. The Reporter accordingly dismissed the appeal.

5. People Implications

5.1 There are no people implications.

6. Financial Implications

6.1 There are no financial implications.

7. Risk Analysis

7.1 No risks have been identified.

8. Equalities Impact Assessment (EIA)

8.1 No equalities impact assessment is required.

9. Consultation

9.1 Not required.

10. Strategic Assessment

10.1 There are no strategic issues.

Richard Cairns

Executive Director of Infrastructure and Regeneration

Date: 14 April 2014

Person to Contact: Pamela Clifford, Planning and Building Standards Manager, Housing, Environmental and Economic Development, Council Offices, Clydebank G81 1TG
Tel: 01389 738656
Email: pamela.clifford@west-dunbarton.gov.uk

Appendices: None.

Background Papers: 1. Report to 26 March 2014 Planning Committee
2. Appeal decision letter dated 10 April 2014.

Wards Affected: Ward 3 (Dumbarton)