

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Executive Director of Infrastructure and Regeneration**

**Planning Committee: 26 March 2014**

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**Subject: Receipt of an appeal in relation to the refusal of application TPO13/016 for the felling or pollarding of trees at 37Oxhill Road, Dumbarton**

#### **1. Purpose**

- 1.1** To advise the Committee of the submission of a Tree Works Consent appeal.

#### **2. Recommendations**

- 2.1** That the Committee **note the receipt of this appeal.**

#### **3. Background**

- 3.1** An application to carry out works on two trees covered by a Tree Preservation Order was refused under delegated powers 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. 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** An appeal against the refusal of tree works consent has been lodged with Scottish Ministers. The appellant has requested the appeal be dealt with by way of a site visit and written submissions. The Committee will be advised of the outcome of the appeal in due course.

#### **5. People Implications**

- 5.1** None.

#### **6. Financial Implications**

- 6.1** The appellant has not submitted an application for an award of costs, although the deadline for doing so has not yet expired. Costs could only be awarded if it was found that the Council had acted unreasonably.

**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: 11<sup>th</sup> March 2014

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**Appendices:** None.

**Background Papers:** 1. Decision TPO13/016;  
2. Appeal forms

**Wards Affected:** Ward 3 (Dumbarton)