

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (TPO)

REF NO: AB/65/20/T

LOCATION: 9 Penfolds Place
Arundel
BN18 9SA

PROPOSAL: Fell 1 No. Hornbeam tree. Canopy reduction of 1 No. Oak tree from 15m-13m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree is situated on the site of 9 Penfolds Place Arundel
SITE CHARACTERISTICS	Residential
CHARACTER OF LOCALITY	Dwelling

RELEVANT SITE HISTORY

AB/86/17/T	2m Height and 1m Lateral reduction to 1No. Hornbeam.	Approve 01-08-17
AB/38/02/T	Application to fell one large hornbeam tree	ApproveConditionally 12-08-02
AB/100/00/T	Lopping 4 no. Hornbeam trees and felling 1 no. Hornbeam tree	ApproveConditionally 05-10-00
AB/79/19/HH	Conversion of the integral garage to extend living area, removal of the existing balcony and formation of new windows and doors at ground and first floor level with glazed 'Juliet' balcony guarding to upper floor doors.	ApproveConditionally 26-09-19

Relevant Planning History Noted

REPRESENTATIONS

No response from the Parish Council

Response from nearby occupiers:

Object: 10
Support: 0

Residents are concerned that the felling of the trees will result in loss of character for the area.
They are also concerned about the location and ownership of the trees

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

T1 Oak

Third party tree growing from the rear garden of 37 Ford Road. Outwardly and from a distance it appears to be in a fine physiological state. It has previously been the subject of heavy reduction pruning (at least in part) from which it has grown-on to establish a full crown and presents an attractive profile. It is visible from numerous properties and has landscape value growing as it does near the perimeter of a large area of open ground.

- The applicant/agent at first seeks a 1.5m reduction of lateral spread on the east aspect. I would rather the specification state exactly how much lateral spread is to remain (on each aspect), or maximum clearance from the dwelling (building clearance) - so that we are in a position to check any pruning work did not exceed that permitted. The above description (reducing canopy from 15m-13m is incomplete, neither discriminating height from spread (or aspects) and for the latter does not clearly associate with the measurements I obtained from site.

T2 Hornbeam

· Grows within the property and close to the dwelling. Multi-stemmed from near its base, appearing to be in a fine physiological state and stable. No obvious evidence of significant decay or problematic stem bleeding/exudate.

· Visible from numerous properties and from afar, growing as it does near the perimeter of a large area of open ground. Has clearly endured some recent disturbance close to its base during recent hard landscaping work. Light branches in contact with dwelling.

Conclusions:

· T1 - The work proposed is in principle justified on arboricultural grounds as it seeks to maintain reasonable enjoyment of the garden with respect to natural tree form, although I find the work specification ambiguous and does not inspire the required level of confidence that this important tree will be sympathetically pruned.

· T2 - Appears outwardly sound and no evidence of structural instability or significant decay has been provided in support of the application. It has not been proven to present an unacceptable level of risk for its location, so should be retained.

- It should continue to provide visual amenity for the surrounding area and can be retained in harmony

with its surroundings with careful pruning of selected small branches.

Recommendations:

- As it stands, I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built up Area Boundary
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under references ID 36-090-20140306 and ID 36-091-20140306, are not specific to trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 198 of the Town and Country Planning Act 1990 states:
"If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order"

The works to the trees are to be judged having regard to amenity

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the comments from the Tree Officer, it is recommended consent be refused.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

REFUSE

- 1 The Hornbeam tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. Its felling is unjustified and will result in significant harm to visual amenities. The surgery proposed for the Oak tree is unclear/imprecise and without clarity would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.