

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

REF NO: AL/16/18/T

LOCATION: 16 Woodgate Road
Woodgate
ALDINGBOURNE
PO20 3SX

PROPOSAL: 3m Crown Reduction and 30% Crown Thinning to 1No. Hawthorn & 2No. English Oak trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located on the land at 16 Woodgate Road, Woodgate, Aldingbourne.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

Relevant planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council
Parish Council - No objection.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer -
2x Pedunculate oak - *Quercus robur* - Height: Approx. 16m - Average spread: 7m - Age: Mature
Hawthorn - *Crataegus monogyna* - Height: Approx. 7m - Average spread: 3m - Age: Mature

- These are fine examples of their type and visible from the adjacent public highway and neighbouring properties; thereby providing a notable visual amenity.
- In respect of the oak, they have good form arising from a lack of significant crown modification and with an open field aspect permitting the establishment of low branches. Although not comprehensively assessed, they appear to be in a fine physiological state and free of significant structural defect. As old field boundary trees they possess considerable landscape value.
- The oak are closely spaced to one another with a shared crown profile. Their relatively short distance to the main building has inevitably caused an intensely shade-bearing and oppressive effect with large branches travelling across and in close proximity to the roof and east flank wall.

Conclusion:

- Crown reduction and Crown thinning work has not been justified on arboricultural grounds. In respect of the latter, such work rarely provides a benefit to the tree and often only a short-term increase in light levels. Furthermore, combining the two operations (and especially to the extent proposed) could drastically alter tree dynamics and natural defences against wind pressure. The sudden exposure of central crown areas to such winds can result in significant damage.
- These trees are a significant feature in the local landscape and appear to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.

Recommendations:

- I recommend REFUSAL for this application.

Advisory:

- I would like to see the applicant re-submit with a revised work specification such as detailed below, which would address the issue of direct building interference and help improve conditions along this side of the dwelling whilst preventing a diminution of the tree's landscape and public amenity value:

2x Oak

- Reduce or remove branches as necessary to achieve a maximum of 2m building clearance.
- Reduce or remove branches as necessary to achieve a maximum of 4m overhead clearance above side of property (driveway and garden areas).

Hawthorn

- Reduce or remove branches as necessary to achieve a maximum of 3m overhead clearance above driveway.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Within Built Up Area
Tree Preservation Order

DEVELOPMENT PLAN POLICES

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 no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Following the comments from the tree officer, it is recommended that 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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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

In assessing this proposal neutral 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).

RECOMMENDATION

REFUSE

1 The trees are a significant feature in the local landscape and appear to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of the trees landscape impact and undue detriment to the visual amenities of the locality.

2 **INFORMATIVE:**

The Council's Arboriculturualist would like to see the applicant re-submit with a revised work specification such as detailed below, which would address the issue of direct building interference and help improve conditions along this side of the dwelling whilst preventing a diminution of the tree's landscape and public amenity value:

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