

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

REF NO: AW/106/21/T

LOCATION: 2 The Courtyard
Fish Lane
Aldwick
PO21 3AJ

PROPOSAL: Fell 1 No. Beech tree and replace with a small (6ft) Red Robin Tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 2 The Courtyard.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.
None.	

REPRESENTATIONS

Aldwick Parish Council - Object.

1 letter of objection from nearby occupiers:
- Objects to the felling of Beech tree and replacement using a Red Robbin Shrub.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments:

The tree appears outwardly (restricted view) to be in a fair-fine physiological state and assumed to be It presents a dense crown of slightly stunted form, perhaps a consequence of hostile growing conditions (large areas of hard surfacing across rooting area) and past severe pruning. Despite all that, it should present an attractive crown profile when in leaf.

Whilst remaining healthy it possesses high growth potential and so easily outgrow its confined location if left unattended to.

It is a prominent landscape feature to surrounding properties but visible only in part from publicly accessible land.

Conclusions:

The tree work proposed in the application has not been justified on arboricultural grounds.

The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. Its removal would be detrimental to the visual amenities of the locality.

Recommendation:

I recommend REFUSAL for this application.

Advisory:

The applicant might want to seek the advice of a Tree Specialist (if not already) to properly assess its condition and advise on appropriate pruning if a degree of containment is desired. I would suggest a very light reduction of the overall crown spread and removal of crossing branches/low-level epicormic growth around the crown-break - would be appropriate and stand a good chance of gaining approval. A new application would be required.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built-Up Area Boundary.
Tree Preservation Order.

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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 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 tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. Its removal would be detrimental to the visual amenities of the locality.