

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area

REF NO: **AW/137/14/TC**

LOCATION: High Gables
 3 The Fairway
 Aldwick

PROPOSAL: Reduce height of 1 No Fir Tree by 6 metres within the Aldwick Bay Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	The tree the subject of this notification but various trees within and around the site.
BOUNDARY TREATMENT	Front boundary has dwarf wall plus shrubs/tree screening, side boundaries dwarf wall, rear boundary wall + close boarded fencing approximately 2m in height, east side boundary shrubs/tree screening, west side boundary flint wall + close boarded fencing/hedging approximately 2.5m in height.
SITE CHARACTERISTICS	Detached two storey property with porch, attached garage with dormer above, annexe on east side to rear of garage, gravel in and out driveway with parking. The property has a Tudor style appearance with white rendered walls, herringbone brickwork with timber facing on gable, tiled roof.
CHARACTER OF LOCALITY	Private residential estate within the Aldwick Bay Conservation Area. The properties are detached predominantly two storey of various styles and designs, some of notable character.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:
Aldwick Parish Council

Awaited

Comments on Representations received:

None

CONSULTATIONS

Arboriculturist

Conservation Officer

Consultations responses received:

Arboriculturist

The tree has limited amenity value and I have no objection to the proposed reduction and reshaping works.

Conservation Officer

Awaited

Conservation Area Advisory Committee

Refer to tree man.

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Within Conservation Area

Tree Preservation Order

Area of Special Control for Advertisements

No Public Sewer

PD Restriction

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [AREA2](#)

Conservation Areas

[Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections \(February 2014\):](#)

HER DM3 Conservation Areas

PLANNING POLICY 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 211(1) of the Town and Country Planning Act 1990 states:-

'Subject to the provision of this section and Section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of Section 198(3)(a) be prohibited by a Tree Preservation Order shall be guilty of an offence.'

It is a defence to have provided notification to the Local Planning Authority 6 weeks in advance of any works. This is to enable the Local Planning Authority time to consider making a Tree Preservation Order.

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

The Fir tree is sited on the rear southern boundary adjacent to a Monterey Cypress tree which is the subject of a separate application AW/136/14/T and boundary hedge. The Pine tree is not readily visible within the street scene and of no significant public visual amenity value.

The notification seeks to reduce the tree by 6m as it is causing excessive shading to the garden. In the absence of any arboricultural objection the proposed work is not considered to detract from the trees visual amenity value or health of the tree.

The Consultant Arboriculturist has raised no objection to the reduction and reshaping works. It is therefore recommended that no objection be raised or Tree Preservation Order be made.

RECOMMENDATION

NO OBJECTION

- 1 **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 2 **INFORMATIVE:** This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.