

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

REF NO: AW/13/18/T

LOCATION: 1 The Drive
Aldwick
PO21 4DU

PROPOSAL: Reduce crowns by 25% to 4 No. Holm Oak trees

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees are located at the front of the property.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/279/14/T	Surgery to various trees	ApproveConditionally 16-12-14
AW/238/04/T	Application to reduce crowns of 3 no. Holm Oak Trees by 20% and clean the crowns of dead and broken branchwood	ApproveConditionally 22-12-04
AW/163/04/T	Application to reduce the crowns of 2no. Holm Oak trees by 30%, reduce the height of 2no. Leyland Cypress trees by 30% and to reduce the height of the east stem of 1no. Holm Oak tree by 5m.	Refused 24-09-04

Relevant Planning History Noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Parish Council provided no response
No representation from nearby occupiers
Conservation Area Advisory Committee provided no response

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments Noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments

These four trees are principal constituent parts of a significant local arboricultural feature; being of a similar age and stature.

They are situated in a prominent position being highly visible from the public highway, neighbouring properties and traffic accessing/exiting the estate. Their collective high canopy dominates and helps define the character of the surrounding area.

The extent of proposed crown reduction work has been incorrectly specified as a percentage, rather than in metres. I have calculated that a 25% reduction in height and spread would result in approximately 50% reduction of crown volume. Nevertheless I am able to determine the application as it stands, as it has not been demonstrated that an overall reduction of tree height and spread (to any extent) is justified on arboricultural grounds.

Where there is an obvious history of crown reduction work (T1 and T2)- They have grown out well and all display attractive crown profiles characteristic of their species. Individually and collectively they have high amenity value and are of mature age, so should be subject to careful management.

Conclusions

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 their landscape impact and undue detriment to the visual amenities of the locality, in conflict with policy GEN7 of the Arun District Local Plan.

Recommendations

I recommend refusal for the application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Tree Preservation Order
Conservation Area

DEVELOPMENT PLAN POLICES**PLANNING POLICY GUIDANCE:**

NPPF National Planning Policy Framework

REPORT(ODB)

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 comments from the tree officer, it is recommended consent be refused for the works listed in the application.

HUMAN RIGHTS ACT**FOR REFUSAL**

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 trees are a significant visual feature in the landscape and appear in sound and healthy condition. The proposed surgery would result in excessive reduction of their landscape impact and undue detriment to the visual amenities of the locality in conflict with policy GEN7 of the Arun District Local Plan