

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

REF NO: AW/142/19/T

LOCATION: 127 Manor Way
Aldwick
West Sussex
PO21 4HN

PROPOSAL: Fell 1 No. Yew tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located at the front of the property.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/147/19/TC Fell 2 No. Conifer trees, crown reduction of 3m to 1 No.
Birch tree, crown reduction up to 4 m to 1 No.
Pittosporum, crown Reduction up to 4m to 1 No.
Eucalyptus tree, shape & reduce 1 No Yew tree by 1m
within the Aldwick Bay Conservation area.

Relevant history noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Aldwick Parish Council

Members agreed that the Arun Arboriculturist is consulted regarding the application and that his recommendations/decision is applied.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Tree Officers comments:

This tree appears to be outwardly healthy and stable. It has previously been subject to 'topping' (a crude truncation of the main stem) although it has grown-on well and presents an attractive crown profile. It occupies a central position along the front boundary of the property and although resently over-shadowed and crowded I anticipate it becoming prominent in time as neighbouring trees decline and are ultimately removed. It is visible in part from neighbouring properties and clearly to traffic accessing/exiting this part of the estate. As such, it has public amenity value.

I disagree with the assertion that this tree is suppressed. There is no doubt that competition exists among such types and density of tree stock; although the yew subject of this application is presently the highest quality tree among them and a much longer-term proposition. I conclude that the work proposed is not justified on arboricultural grounds.
The tree is a valuable and potentially significant feature in the streetscape and appears to be in adequately sound and healthy condition. Its removal would result in undue detriment to the visual amenities of the locality.

I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Tree Preservation Order
Within the built up area boundary
Within the conservation area

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 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

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 There is no arboricultural reason for the tree to be felled and its felling would detract from the amenities of the locality.