

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

REF NO: AW/164/19/T

LOCATION: Rear of 7 Larchfield Close
Aldwick
PO21 4DW

PROPOSAL: Remove ivy, deadwood, reshape & reduce 1No. English Oak by up to 4m.

SITE AND SURROUNDINGS

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

RELEVANT SITE HISTORY

AW/27/19/T	Crown reduction on side branches of 2-3m and crown lift of 3m on all aspects to 1 No. English oak tree.	ApproveConditionally 01-04-19
AW/255/18/T	5m Crown Reduction to previous pruning points of 1No. Field Maple.	ApproveConditionally 15-01-19
AW/73/89/T	Lop and Top 3 Trees	ApproveConditionally 02-05-89

Relevant history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

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

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Tree officers comments:

T72 Pedunculate oak / Quercus robur Approx. height: 16m Average spread: 7m Age class: Mature
Outwardly and from a distance this tree appears to be in a fine physiological state. It has previously been the subject of crown reduction work but has 'grown on' well and presents an attractive crown profile. It grows at the rear of the property but by virtue of its size can be seen from numerous dwellings and clearly from publicly accessible land.

It is an important constituent of an established long line of trees which help define the character of the area and represent a significant public amenity.

The removal of dead branches is an exception and does not require permission.

Ivy is not protected under the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Conclusions:

I am unable to concur with the reasons stated as being sufficient to justify the work now proposed. It's rather drawn-up form is probably not an indicator of poor vitality or mis-management yet does highlight the importance of maintaining the upper limb and branch framework intact. The severance/removal of established ivy-growth would undoubtedly be of benefit at this time.

The proposal to reduce the height by 4m would be likely to result in harm to the health and vitality of the tree with large pruning wounds being formed as well as undermining its visual amenity value and impact in the landscape.

The tree is a significant feature in the local landscape and appears 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.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Within the Built-Up Area Boundary

Tree Preservation Orders

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 of 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 Reason: The proposed works in the application would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.