

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

REF NO: AW/171/18/T

LOCATION: 6 Seacourt Close
Aldwick
PO21 4RD

PROPOSAL: 3m Crown Reduction to 1No. Oak tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	Tree located in rear garden.
SITE CHARACTERISTICS	Detached dwelling with gardens to front and rear.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

AW/271/16/T	Reduce crown of 1 No. Oak tree by 2-3m	Refused 28-11-16
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A previous application for works to a tree on a site was refused.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

One letter of Objection has been received.
Reduction work is likely to have a detrimental effect of the tree.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

·Tree appears to be in a fine physiological state with no obvious signs of disease, when assessed from ground level. It has only moderate form at present having historically been subjected to severe crown reduction work from which it has responded surprisingly well. Although some of the primary scaffold limbs have declined there is sufficient limb framework and canopy for it to display an attractive crown

profile and thereby provide visual amenity.

·It grows adjacent a boundary at the confluence of four rear gardens and enjoys a prominence on all aspects. It therefore is clearly visible from several surrounding properties and at a satisfactory distance from residential dwelling so as not to present unreasonable nuisance or excessive shading. It can also be seen from the adjacent publicly accessible road/footway network, albeit with some limitation - this will improve if the tree is allowed to gain in stature.

·The nearest point of built structure is a conservatory along the rear elevation of 6 Seacourt Close, at a distance of approximately 10metres from the tree.

·The extent of pruning work proposed exceeds the requirements of British Standard 3998:2010 'Tree Work' - Recommendations.

Conclusions:

·It has not been demonstrated (nor evidence provided in support of) that this tree requires crown reduction work on arboricultural grounds. I see no obvious risk of damage to built structures at this time. Although the boundary fence lines are in varying states of disrepair they are both intact and functional with scope to accommodate main stem expansion as the tree grows.

·The tree already represents a visual amenity and has potential to develop into a significant feature in the local landscape. It 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 current value and curtail its potential, thereby constituting an undue detriment to the visual amenities of the locality.

Recommendations:

·I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

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

The Tree Officer has commented that the tree is in good condition with no sign of disease and is clearly visible and therefore the felling of the tree is not appropriate.

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 makes a significant contribution to the character of the area and therefore in the absence of any arboricultural justification the loss of the tree would be detrimental to the visual amenities of the locality.