

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

REF NO: AW/195/19/TC

LOCATION: 12 Kingsway
Aldwick
PO21 4DQ

PROPOSAL: Prune 1 No. Cedar tree by 1.5 - 2m on west aspect within the Craigweil House, Aldwick conservation area.

SITE AND SURROUNDINGS

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

RELEVANT SITE HISTORY

AW/83/19/TC	Fell 1 No. Sycamore tree within the Craigweil House, Aldwick conservation area.	No Objection 25-04-19
AW/144/17/TC	Various surgery to 1No. Cedar tree within the Craigweil House, Aldwick Conservation Area	No Objection 05-07-17
AW/318/16/TC	Crown reduction by 4m & crown lift by 3m to 1No Sycamore Maple tree - Within the Craigweil House Conservation Area	No Objection 07-12-16
AW/267/10/T	Crown reduction to 1 No Sycamore Tree in rear garden by reducing height to 4.9m and reducing spread by 2.45m	ApproveConditionally 17-12-10

Relevant history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council provided no response.

No representation from nearby representatives.

Conservation Area Advisory Committee - Refer to tree officer comments.

CHECCA - We fully support the tree officers recommendations including the creation of a TPO.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Conservation Officer

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree officers comments:

I visited this location on 16th July 2019, to determine the aforementioned Town & Country Planning Act 1990 (as amended) s211 Notice.

This tree appears to be outwardly healthy and stable with a relatively unmodified and attractive crown profile. Crown density is only moderate.

It is a long-established tree, located within the expansive rear garden of the property and at a distance harmonious with built structures. It has significant presence when viewed from its western aspect, by virtue of its size and evergreen foliage. It is visible from neighbouring properties and to traffic on the main estate access (footway and carriageway). As such, it has public amenity value and makes a significant contribution to the character of the area.

The applicant is seeking to reduce the lateral spread of the tree on one aspect by approximately a third. The vast majority of needle-bearing branches are found on the crown periphery, a typical characteristic of this tree type. As such, the reduction of individual limbs and branches should only ever be slight, if undertaken at all. Cedar trees are not considered to be tolerant of hard pruning.

Conclusions

This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression. There is no obvious justification for the work on arboricultural grounds.

I believe that the work proposed will irrevocably spoil the crown profile to the extent its landscape value and visual amenity will be permanently diminished. Furthermore, I expect the work would have a harmful effect on its ongoing health and vitality, at a time when it appears to be under physiological stress.

Recommendations

I recommend refusal for this application and that we make an Order to preserve this tree in the landscape and better control its future management.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Within the Built-Up Area Boundary
 Tree Preservation Order
 Within the Conservation Area
 Pagham Harbour Zone B

DEVELOPMENT PLAN POLICIES**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 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

Following the comments of the tree officer, it is recommended consent is refused and a TPO is made to protect the tree.

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

OBJECTION

- 1 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.