

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area**REF NO:** **AW/237/13/TC****LOCATION:** 45 The Drive
 Bognor Regis**PROPOSAL:** Various surgery to 3 No. Golden Crest & 1 No. Leylandii within the Craigweil House Conservation Area**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
TOPOGRAPHY	Predominantly flat.
TREES	The 3 Golden Crest Trees are part hidden behind a Yucca Tree within the rear garden. The Leylandia is part of a hedge to the right hand side of the front garden (when viewed from the road).
BOUNDARY TREATMENT	Open to front. Close boarded fencing and hedging to rear garden.
SITE CHARACTERISTICS	The site is a two storey detached dwelling with brick and mock Tudor style elevations. The roof is hipped with plain tiles.
CHARACTER OF LOCALITY	The site is located in a private residential road of predominantly two storey detached dwellings.

RELEVANT SITE HISTORY

AW/16/87/T	Lopping and pruning of 8 Horse Chestnut trees (felling of one Horse Chestnut tree previously approved under BR/903/84T)	ApproveConditionally 16-02-1987
AW/47/90/T	Lop and Top Ash Tree (Kingsway), Top 2 Horse Chestnut Trees (Queensway), Lop and Top one Beech Tree and one Lime Tree and fell one Oak Tree (The Drive).	ApproveConditionally 14-05-1990
AW/160/91/T		ApproveConditionally 04-11-1991
AW/135/92/T	Fell one ash tree. Lop 2 maples and lop and thin 1 thorn, 1 sorbus and 3 chestnuts	ApproveConditionally 25-09-1992
AW/46/93/T	(1) Fell 1 Maple tree, (2) Crown reducing of 1 Holly Oak, (3) Fell 1 Oak and crown reducing of 1 Horse Chestnut,	ApproveConditionally 21-05-1993

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AW/144/94/T	Deadwood 1 Yew tree in south west corner of garden and one Beech tree on adjoining property.	ApproveConditionally 19-12-1994
AW/12/96/T	Surgery to various trees	Withdrawn 25-03-1996
AW/171/97/T	Fell two sycamore trees and one yew tree, lop one sycamore tree, raise and reduce crown of one yew tree	ApproveConditionally 14-11-1997
AW/21/99/T	Works to one Chestnut Tree (trim one branch back to trunk)	ApproveConditionally 26-03-1999
AW/223/05/T	Remove one years growth from three domed yew hedges.	ApproveConditionally 10-11-2005
AW/161/06/T	Surgery to 1no. English Oak tree and fell 1no. Yew tree.	Refused 30-08-2006
AW/14/11/T	Cut back new growth of up to 100mm to 1 No Yew tree	ApproveConditionally 04-03-2011
AW/36/11/TC	Reduce and reshape Lleylandii hedge; reshape 3 No Cypressus Macrocarpa; reshape 1 No Leylandii tree; reduce 1 No small Fir tree within the Craigweil House Conservation Area	No Objection 14-03-2011
AW/89/11/T	Reduce 3 No Yew trees by 20%	ApproveConditionally 24-05-2011
AW/119/12/TC	Fell 1no. Cherry tree within the Craigweil House Conservation Area, Aldwick	No Objection 12-06-2012
AW/225/13/T	Cut back up to 100mm all round from 1No Yew tree	ApproveConditionally 28-10-2013
BR/113/53/K	Felling of trees	Approve 04-02-1966
BR/905/80/T	To lop 7 horse chestnuts top one oak and fell one lime	ApproveConditionally 21-01-1981
BR/203/81/T	To prune 50 trees	ApproveConditionally 15-04-1981
BR/903/84/T	Felling of 24 Limes 11 Horse Chestnuts 1 Ash 2 Cherry 2 Sycamore trees and 1 Whitebeam tree 10 various types lopped	Approve in Part 17-04-1985

None.

REPRESENTATIONS

Representations received:

Aldwick Parish Council - none received.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Council's Arboriculturist

Conservation Officer

Consultations responses received:

Arboricultural Officer - Would not regard the affected trees/hedge as significant towards their consideration for TPO. Please note that I also do not object to the pruning of the conifer trees within the garden of the above property in accordance with the submitted tree work applications AW/225/13/T & AW/237/13/TC.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to the site:

Within the Built Up Area;

Within the Craigweil House Conservation Area;

Article 4 Direction; and

Tree Preservation Order.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[AREA1](#)

[AREA2](#)

Areas of Special Character

Conservation Areas

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX1

Circular 36/78

XXX2

DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPOs, 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

This is a notification of the intention to carry out works to various trees within the Craigweil House Conservation Area. The proposed works include very minor reshaping/pruning works to a Leylandii hedge and three Golden Crest trees.

Whilst the Leylandii hedge is visible from the street scene, it is not considered to be a prominent feature or worthy of a Tree Preservation Order. The remainder of the trees are located within the rear garden of the property and are also not deemed to be of significant amenity value.

The District Arboriculturist has advised that the proposed works are acceptable.

It is therefore recommended that no objection be raised or Tree Preservation Order made.

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

NO OBJECTION