

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

REF NO: AW/240/18/T

LOCATION: 276 Aldwick Road
Aldwick
PO21 3QH

PROPOSAL: Reduce 1No. Magnolia by 2m in height and 1.5m in lateral spread to all sides.
Crown thin by 10-20%.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located in the garden.
SITE CHARACTERISTICS	Dwelling with surrounding gardens.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

AW/208/18/T	Fell 1 No. Magnolia	Withdrawn 01-08-18
AW/105/17/T	4m crown lift to western aspects of 2 No. Maple trees & 2m lateral reduction to the western aspects.	ApproveConditionally 05-06-17
AW/250/13/T	Crown reduction of 1no. Monterey Cypress tree by 4m and cut back overhanging branches by 2.5m	ApproveConditionally 13-01-14
AW/162/12/T	Crown reduction to reduce height of 1no. Magnolia tree by 2 metres	ApproveConditionally 31-08-12

Comments noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No response from Aldwick Parish Council.
No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments:

T1 Magnolia, Magnolia x soulangeana, Height: Approx. 8m, Average spread: 4m, Age class: Early mature

- This tree appears to be healthy and stable with an attractive crown profile.
- It has a full and relatively unmodified crown with established low limbs and branches.
- The applicant proposes a crown reduction of such an extent that would result in the approximate loss of two thirds of its crown volume, in addition to crown thinning.
- It is discreetly located within the front garden of the property, although by virtue of its size and flowering potential has significant seasonal presence, especially when regarded from its southern aspect.
- This is a fine example of its type with its most impressive aspect being visible from publicly-accessible land and the adjacent public highway (footway and carriageway), thereby providing a notable visual amenity.

Conclusions:

- The tree work proposed in the application has not been justified on arboricultural grounds and would result in undue detriment to the visual amenities of the locality.
- Crown reduction work would irrevocably spoil its natural looking form in the short-term and initiate vigorous vegetative regrowth.
- Crown reduction and Crown thinning work has not been justified on arboricultural grounds. In respect of the latter, such work rarely provides a benefit to the tree and often only a short-term increase in light levels. Furthermore, combining the two operations (and especially to the extent proposed) does not satisfy the recommendations in BS3998:2010 - Tree Work.

Recommendation:

- 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

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), 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 work proposed in the application has not been justified on arboricultural grounds and would result in undue detriment to the visual amenities of the locality.
Crown reduction work would irrevocably spoil its natural looking form in the short-term and initiate vigorous vegetative regrowth.

Crown reduction and Crown thinning work has not been justified on arboricultural grounds. In respect of the latter, such work rarely provides a benefit to the tree and often only a short-term increase in light levels. Furthermore, combining the two operations (and especially to the extent proposed) does not satisfy the recommendations in BS3998:2010 - Tree Work.