

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

REF NO: AW/24/21/T

LOCATION: Southmead
Canons Close
Aldwick
PO21 4EB

PROPOSAL: Fell 1 No. Oak tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at Southmead, Canons Close.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/46/02/T	Application to prune to shape, reduce spread and remove dead wood in crown of 1 oak tree in rear garden	ApproveConditionally 14-05-02
AW/375/16/T	Crown Reduction to North, West & East aspects by 2m & South by 1.5m to 1No. Oak tree.	ApproveConditionally 08-03-17
AW/241/10/T	Thin Crown by 20% to reduce the canopy spread to 1 no. Oak tree.	ApproveConditionally 15-11-10
AW/223/07/T	Remove dead limbs and front stem of 1 Oak tree in rear garden.	ApproveConditionally 04-10-07
AW/105/94/T	Fell 2 Sycamore trees and lop 3 Sycamore trees	Not Development 14-10-94
AW/157/90/T	Prune to shape and reduce spread of one Oak and a group of Sycamores. Remove dead wood in crowns and raise crown of Oak.	ApproveConditionally 02-01-91

Relevant planning history noted.

REPRESENTATIONS

No objection from Parish Council.
No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Outwardly and from distance (roadside) this tree appears to be in a fine physiological state (and assumed to be so in the absence of any evidence provided to the contrary). It has previously been the subject of whole crown reduction pruning from which it appears to have grown-on well. It is visible from surrounding properties and publicly accessible land, as such it has amenity value.

The work proposed for the reasons given must be evidenced with written arboricultural advice and/or diagnostic information from an appropriate expert (see sect. 4 of the Application Form and p5, para.5 of the Guidance Notes) - Tree Preservation Orders | Arun District Council. The submitted statement described as Tree Survey is neither comprehensive or adequately detailed and omits the author's relevant experience and qualifications in this regard.

I was unable to access the rear garden of the property when I called at the house, so have been unable to make my own close observation that could have assisted with determination of this application. Nonetheless, the onus is on the applicant or their agent to provide us with the required level of information.

Conclusions:

The applicant has not submitted any written arboricultural advice or diagnostic information from an appropriate expert in support of the reasons given for the proposed works.

The tree is a significant feature in the local landscape and assumed to be in adequately sound and healthy condition. Its removal would have a detrimental impact on the landscape.

Recommendation:

I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.
Tree preservation order.

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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 be weighed in the balance with the Development Plan.

CONCLUSIONS

Following comments from the tree officer, it is recommended consent be refused.

HUMAN RIGHTS ACT

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 proposed work will have a detrimental effect on the tree and have a negative effect on the trees long-term vitality; perhaps accelerating its terminal decline and therefore resulting in an unacceptable decline in the areas visual amenity.