

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

REF NO: AW/251/18/TC

LOCATION: 229 Manor Way  
Aldwick  
West Sussex  
PO21 4HT

PROPOSAL: Fell 1No. Birch tree within Aldwick Bay conservation area.

## SITE AND SURROUNDINGS

|                            |                                                                      |
|----------------------------|----------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above                                                             |
| TREES                      | The tree outlined in this application is located in the rear garden. |
| SITE CHARACTERISTICS       | Dwelling with garden to front and rear.                              |
| CHARACTER OF LOCALITY      | Residential area.                                                    |

## RELEVANT SITE HISTORY

|              |                                                                                    |                                                              |
|--------------|------------------------------------------------------------------------------------|--------------------------------------------------------------|
| AW/252/18/TC | Crown reduce 2 No. Purple Plums by 1m.                                             | No Objection                                                 |
| AW/235/14/T  | Fell 1 No prunus tree in front garden.                                             | ApproveConditionally<br>17-10-14                             |
| AW/206/11/T  | Fell 1no. Holm Oak                                                                 | Refused<br>19-10-11<br>Appeal: No Further Action<br>29-02-12 |
| AW/10/09/TC  | Crown reduction to one evergreen oak tree within the Aldwick Bay Conservation Area | No Objection<br>27-02-09                                     |
| AW/273/05/T  | Application to thin out 3no. Prunus trees                                          | ApproveConditionally<br>09-12-05                             |
| AW/173/04/T  | Reduce one Hollyoak tree by 50% within the Aldwick Bay Conservation Area           | ApproveConditionally<br>20-10-04                             |

History noted.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

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

### COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

## CONSULTATIONS

Arboriculturist

### CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

Application ref: AW/251/18/TC

Location: 229 Manor Way, Aldwick, West Sussex PO21 4HT

Works proposed: Fell 1No. Birch tree within Aldwick Bay conservation area

I visited this location on October 9th 2018, to determine the aforementioned Town & Country Planning Act 1990 (as amended) s211 Notice.

This tree appears to be in good health with fine form. It is visible from adjacent properties and contributes to the character of the area by virtue of its condition and being above roof-top height.

I must therefore raise an OBJECTION to the works that have been applied for and recommend we make an Order (TPO) to preserve its status in the landscape.

### COMMENTS ON CONSULTATION RESPONSES:

Following the comments from the Tree Officer a Tree Preservation Order has been provisionally made, reference TPO/AW/3/18.

## 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 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 that an objection is raised and a Tree Preservation Order be 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 In the absence of any arboricultural justification the loss of the tree will have a detrimental impact on the amenity of the area.