

TREE WORKS CONSENT REPORT**REF NO:** AW/252/11/T**LOCATION:** Pennyfarthing
5 Kingsway
Aldwick**PROPOSAL:** Various tree surgery**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Application seeks consent for various tree surgery within the rear garden of the application property as follows:- - Location 1 - Side boundary to No. 3 Kingsway. Crown reduction of one third to 9 Sycamore, 3 Silver Birch and 1 Norway Maple Tree. Remove lower branches of sycamores resting on detached garage of No. 3 causing damage. - Location 2 - South of tennis court. Reduce crowns of 6 Sycamores by one third. Thin crown to reduce density. Thin and trim lower branches overlapping wire boundary fence to tennis court. - Location 3 - Side boundary between tennis court at the rear of the garden and No. 3 Kingsway. Reduce and thin crowns of 8 further Sycamore Trees by one third. - Location 4 - Side boundary between tennis court and No. 9 Kingsway. Reduce and thin crowns of Sycamores and Horse Chestnut Trees by one third. - Location 5 - Rear boundary adjoining No. 5 Seacourt Close, north of the tennis court. Reduce and thin crowns of Sycamore and Horse Chestnut Trees by one third.
SITE AREA	0.359 hectares
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat
TREES	The trees the subject of this application and various mature trees within and around the application site.
BOUNDARY TREATMENT	Low brick wall and hedge to front boundary, approximately 1.5 metres high. Close boarded timber fencing and mature trees to rear and side garden boundaries.
SITE CHARACTERISTICS	Large, detached, two storey dwelling constructed from brick with pitch tiled roof, low eaves and front gable. Side integral garage and glazed conservatory.
CHARACTER OF LOCALITY	Predominantly residential comprising detached two storey dwellings in a private residential road. The property is

accessed from a secondary service road. Craigweil House Conservation Area.

RELEVANT SITE HISTORY

PE/AW/7/90		No Further Actn 01-05-1990
AW/89/90	Enclosure fencing for Tennis Court 2.75 m high (9ft)	Approve Cond 02-07-1990
AW/160/91/T		Approve Cond 04-11-1991
AW/78/92	Conservatory	Approve Cond 01-06-1992
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,	Approve Cond 21-05-1993
AW/12/96/T	Surgery to various trees	Withdrawn 25-03-1996
AW/113/97/T	Remove one lower branch and carry out good husbandry to other branches of one oak tree overhanging 5 Seacourt Close	Approve Cond 21-08-1997
BR/83/59	Add to bungalow	Approve 23-06-1959
BR/275/70	Extension	Approve 25-06-1970
BR/244/76	Proposed alterations and enlargement of existing residential unit	Approve Cond 19-05-1976
BR/203/81/T	To prune 50 trees	Approve Cond 15-04-1981

REPRESENTATIONS

Representations received:

Aldwick Parish Council

No objection.

1 Letter of Support:

Support the application wholeheartedly. Would it be possible to further trim the trees in Area

4. These cause nuisance with large quantities of leaves deposited in my garden. Sycamores are common and hardy and grow back.

1 Letter of Objection:

Excessive and unreasonable application. No arboricultural report has been submitted. Trimming to avoid danger or nuisance can be accepted, but there is no cause to lop or top any tree to provide more light to the garden and tennis court. Tree surgery must be in the interests of the tree and protect its arboricultural and horticultural needs only in the cause of good husbandry.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Council's Arboriculturalist
Conservation Officer
Conservation Area Advisory Com
WSCC Local Development Divis.

Consultations responses received:

Arboriculturist: The applicant requests the topping of trees to the rear of his property. He has provided a location plan dividing the tree groups onto s 1 to 5. The young Sycamore Trees in locations 3 and 4 have been purposefully grown close together to provide a screen and their management should reflect this function. They do not have amenity value and I have no objection to their lopping.

However, trees within locations 1 and 2 would be adversely affected by lopping which is regarded as poor practice and not recommended. Group 1 consist of closely grown and young trees in direct competition with each other, stimulating spindly upright growth for light. I would advise the complete removal of at least two suppressed trees within the group to alleviate competition for light, reduce shade to neighbouring property and allow for a better form and symmetry to develop. Lopping of Group 2 would stimulate dense re-growths and is not recommended.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Conservation Area
Tree Preservation Order
Article 4 Direction

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

PLANNING POLICY GUIDANCE

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 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

The trees referred to in the application are located in the rear garden of the application property and are covered by Tree Preservation Order 2/58 and AW/241/10. The rear garden of the application property is heavily treed, principally by Sycamores on the rear and side boundaries, Horsechestnuts, Silver Birch Trees, a Norwegian Maple and an English Oak.

The proposed works are requested in order to provide light to a tennis court located towards the rear boundary and to provide light to the rear gardens of Nos 3, 9 Kingsway and No. 5 Seacourt. It is also requested to remove branches to a group of Sycamores overhanging and causing damage to a garage at No. 5 Kingsway. The majority of trees are located towards the side and rear garden boundaries and have limited public amenity. The canopies of the group of Sycamores within group 1 are visible from the highway to the front of the property, and therefore have some visual amenity value.

The Council's Arboriculturist has inspected the trees and recommends the complete removal of 2 suppressed trees within group 1, located on the side boundary adjoining No. 5, as these are young trees, grown closely together in direct competition. The felling of 2 trees would alleviate competition for light, reduce shade to the neighbouring property and allow the trees to develop. The lopping of trees within group 2 is not recommended by the Council's Arborist as this would stimulate dense re-growth. However, a crown thin to remove deadwood, touching branches and weak growth of up to 2 metres is considered acceptable.

It is therefore recommended that the application is approved, subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The work hereby approved shall be undertaken under the supervision of the Local Planning Authority who shall be notified in writing, not less than 7 days before the work commences.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 2 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The works hereby approved shall involve:
- Location 1 - Felling of 2No Trees and removal of lower branches of Sycamore Trees adjoining detached garage of No. 3 Kingsway;
 - Location 2 - Thin crowns of 6No. Sycamore Trees to reduce density. Thin and trim lower branches overlapping wire boundary fence to tennis court up to a maximum of 2 metres;
 - Location 3 - Reduce and thin crowns of 8No. Sycamore Trees by one third;
 - Location 4 - Reduce and thin crowns of Sycamore Trees and Horse Chestnut Trees by one third;
 - Location 5 - Reduce and thin crowns of Sycamore Trees and Horse Chestnut Trees by one third.

All works shall be carried out in accordance with BS3998:1989 Recommendations for Tree Works.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 5 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.