

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

REF NO: AW/253/20/T

LOCATION: 14 Old Farm Close
Aldwick

PROPOSAL: Reduce height of 1 No. Maple tree to approx. 10m

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 14 Old Farm Close.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/22/15/T	Reduce crown of 1 No. Silver Maple tree by 2.5m including a crown lift to 2.5m & crown thin by no more than 20%, reduce crown of 1 No. Sycamore tree by 2m including a crown lift of 2.5m & remove 1m of height from 1 No. Silver Birch tree.	ApproveConditionally 18-03-15
AW/218/06/T	Fell 1 No. Willow tree and removal of roots	Refused 06-10-06 Appeal: Withdrawn 16-01-07
AW/305/14/T	1No. Silver Birch - 30% Crown thinning and crown lifting by ?m 1No. Sycamore - Crown reduction by ?m 1No. Silver Birch - Crown reduction by ?m and crown lifting by ?m.	

Relevant planning history noted.

REPRESENTATIONS

No objection from Parish Council.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

This tree appears to be outwardly healthy and stable with a relatively unmodified and attractive crown profile.

It grows at the front of the property and is prominent within the close. It can also be seen by users of the public highway and is of visual interest. It is a tree of high public amenity value.

Low branches are beginning to encroach the public highway space and will become problematic if left unattended. The applicant proposes a reduction of height and spread, where the removal/reduction of carefully selected low branches would be sufficient to meet the stated aim without introducing structural weakness to the limb/branch framework at height and committing tree owner(s) to regular and costly future maintenance pruning.

It is perhaps the finest one of three silver maple in close formation that collectively are an impressive arboricultural feature.

Conclusion:

The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. Although well-intentioned, the tree surgery proposed in the application would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality. Crown lifting operations (lesser works) can ensure the applicant discharges their 'duty of care' whilst preserving the visual amenity of the tree.

Recommendations:

As it stands, I am unable to recommend approval for this application.

Advisory:

I would like to see the applicant agree to a revision of their work proposal for this application, such as detailed below, which would seem to address their concerns whilst preventing a diminution of the tree's landscape and public amenity value:

- Crown lift to achieve a maximum of 2.5metres overhead clearance above the footway.
- Crown lift to achieve a maximum of 5.5metres overhead clearance above the carriageway.
- Reduce/removal small diameter branches on SW aspect only, to give understorey trees/shrubs adequate room to grow-on, not exceeding 2metres clearance. No final pruning cut to exceed 25mm in diameter.

If the applicant agrees to revise their work proposal in line with this advice, then I would be able to recommend APPROVAL subject to the following condition:

Condition to Be Applied to Approved Work: -

Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010

Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interests of the tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- See also the standard pruning guidance notes issued with the consent letter

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/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 subject to the following informatives. An opportunity to amend the application was given but no response received.

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 is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.