

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

REF NO: AW/256/18/T

LOCATION: 35 Colts Bay  
Aldwick  
PO21 4EH

PROPOSAL: Reduce 3 No. Field Maple trees to previous pruning points & reduce side growth of 1 No. Field Maple by 1.5m on east side.

## SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above

TREES The trees outlined in this application are located at the rear of property.

SITE CHARACTERISTICS Dwelling with gardens to front and rear.

CHARACTER OF LOCALITY Residential area.

## RELEVANT SITE HISTORY

|             |                                                                                                                                                            |                                                          |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| AW/341/15/T | Cut back overhanging branches by 1.5m to rear fence line to 2 No. Oak trees.                                                                               | ApproveConditionally<br>26-01-16                         |
| AW/327/13/T | Crown reduction of 1No. English Oak tree by 3 metres & remove excessive ivy. Crown reduction of 2No. English Oak trees by 2 metres & remove excessive ivy. | Refused<br>10-02-14<br><br>Appeal: Dismissed<br>19-06-14 |
| AW/329/13/T | Crown reduction of 1 No. Field Maple by 1.5 metres & remove any dead or diseased branches & excessive ivy                                                  | Refused<br>10-02-14<br><br>Appeal: Dismissed<br>19-06-14 |
| AW/287/13/T | Remove east facing limb to 1No. English Oak. Reduce height by 2 metres to 3No. Field Maple trees.                                                          | ApproveConditionally<br>23-12-13                         |
| AW/238/13/T | Crown reduction of 3 metres & shortening of lateral spread by 2 metres to 3 No English Oak trees & 1 No Field maple tree                                   | Refused<br>08-11-13                                      |

History noted.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

No comments 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:

- Outwardly and from restricted roadside view, this cluster of three trees appear to retain sufficient vitality despite their severely truncated form. Main stems have been 'topped' at approx. 5.5m height. There is an absence of low growth and so they are entirely dependent on crown renewal/recovery to sustain them and remain viable for safe retention.
- These trees will have to be managed in a cycle of crown reduction, to ensure they remain in a structural state appropriate for their position.
- They occupy a prominent position to the south of the dwelling and are visible from the highway and neighbouring properties.

T4 Field maple / Acer campestre, Height: Approx. 12m, Average spread: 6m, Age class: Early mature

- Outwardly and from a distance this tree appears to be in a fine physiological state with an attractive crown profile. There is evidence of past upper crown modification on the east aspect.
- It occupies a more discreet position than the aforementioned companion trees but is a prominent at the end of a linear group of higher quality trees, by virtue of their more natural crown form.

Conclusions:

- T1-T3 Reducing the crowns of these trees to previous pruning points (at this time) is not justified on arboricultural grounds and will have a detrimental effect on their ongoing health and vitality.
- T4 Building clearance and garden overhang is more than adequate and there is no justification at this time to undertake the works as described.

Recommendations:

- 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 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.

|                       |
|-----------------------|
| <b>RECOMMENDATION</b> |
|-----------------------|

REFUSE

- 1

There is no arboricultural reason for the trees to be felled and the proposed surgery would detract from the amenities of the locality.