

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

REF NO: AW/266/20/T

LOCATION: 2 Greyfriars Close
Aldwick
PO21 5RH

PROPOSAL: Fell 1 No. Blue Cedar tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 2 Greyfriars Close.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/237/12/T	Crown raise 1no. Blue Cedar by 2.5 metres, cut back lateral branches by 2 metres & reduce height by 2 metres	ApproveConditionally 31-10-12
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Relevant planning history noted.

REPRESENTATIONS

Objection - particularly in respect of the proposal to fell the holly tree growing in the verge near the boundary between 27 and 29 The Drive because the holly tree has restricted the growth of the canopy of the hawthorn tree in front of 29 The Drive. The hawthorn tree is very attractive having white flowers and red berries at different times of the year. However the canopy of the hawthorn tree has not been able to fully grow on the west side of the tree because the holly tree is in its way. The holly tree is less attractive than the hawthorn tree.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

This tree appears to be outwardly healthy and stable. It has multiple upright stems forming a compact crown and free of any obvious structural defect. Despite historic loss/removal of an interior stem and past reduction pruning it presents an attractive crown profile.

It grows at the front of the property and is prominent within the close. It can also be seen by traffic (pedestrian and vehicle) accessing/exiting this part of the estate. As such, it has public amenity value.

Conclusions:

Although already a significant tree and of moderate-high growth potential, it appears to exist in harmony with its surroundings. It is likely to remain so for many more years and any future overbearing or problematic branches need only be carefully pruned (subject to local planning authority approval).

Root heave to the adjacent public footway is minor, progressive (gradient) and looks to be at a tolerable level. Significant deterioration requiring localised intervention repair is unlikely to cause significant harm to the tree. The work proposed has not been justified on arboricultural grounds.

Recommendations:

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/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

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 makes a significant contribution to the character of the area and therefore in the absence of any arboricultural justification the loss of the tree would be detrimental to the visual amenities of the locality.