

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

REF NO: AW/267/18/T

LOCATION: 8 Old Place
Aldwick
PO21 3AU

PROPOSAL: Remove 3 branches to 1 No. Eucalyptus tree.

SITE AND SURROUNDINGS

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

History noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Aldwick Parish Council:
No response received from Aldwick Parish Council.

No representations received from nearby occupied

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree officer Comments:

- This tree appears to be outwardly healthy, stable and free from obvious structural defect.
- It has a contorted main stem, a probable legacy of its early attempt to escape the shade of companion trees - from which it has emerged dominant.
- The upper limb and branch framework has achieved good symmetry and presents an attractive crown profile, albeit on an imperfect but nonetheless strong main stem.
- The tree is prominent at the front of the plot and is visible from adjacent property and public highway.

Conclusions:

• The tree appears outwardly sound and no evidence of structural instability has been provided in support of the application.

• The tree is a notable feature in the local landscape and appears to be in adequately sound and healthy condition. The tree surgery proposed in the application has not been justified on arboricultural grounds.

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.

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.