

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

REF NO: **AW/275/17/T**

LOCATION: 1 Raycroft Close
 Aldwick

PROPOSAL: Fell 5No. Conifers

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above.

TREES

The tree outlined in this application is located on the land at 1 Raycroft Close, Aldwick.

SITE CHARACTERISTICS

Dwelling.

CHARACTER OF LOCALITY

Residential.

RELEVANT SITE HISTORY

Relevant planning history noted.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Parish Council - No comment.

Nearby occupiers - Support - The trees have destroyed the pavement and therefore pushes people out onto the road.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer -

Ornamental Cypress *Chamaecyparis* spp. Height - 4m Avge Spread - 2m Age - Early-Mature

- A linear belt of screening conifers that have a typical multi-stemmed habit from close to ground level and an upswept and upright form to the crowns.

- Visually significant and highly visible trees in the landscape.

- Some straggly limbs have broken out and will need to be removed.

- They contain a lot of deadwood in their centres which is typical for the species and cleaning this out would not require Council approval.

- There is some low growth overhang of the footpath which will need to be addressed at some stage to allow free passage for pedestrians.

Conclusions:

- The reasons for removal relate to being oversized; messy and taking light.
- At 4m I would not regard them as being oversized.
- I accept that conifers shed their needles and make a mess but this is not justification for removal.
- These trees are to the north side of No 1 and some distance from the main house so I do not accept that they are causing significant shading.
- The works proposed would mean the loss of a line of trees of visual significance in the landscape and I would not see sufficient justification for this.

Recommendations:

- I recommend REFUSAL for the felling of these trees.

ADVISORY:

- The applicant should consider applying to remove the straggly limbs which have broken out of the otherwise tight upright form as well as addressing the low branch overhang of the footpath.
- In addition they may remove any dead branches from within the crown - which is exempt from the requirement to obtain approval from the Council.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Within Built Up Area
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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

It is recommended that consent be refused for the following reasons.

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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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

In assessing this proposal neutral 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).

RECOMMENDATION

REFUSE

- 1 The trees are a significant feature in the local landscape and appear to be in adequately sound and healthy condition. The felling would result in undue detriment to the visual amenities of the locality.
- 2 **ADVISORY:**
 - The applicant should consider applying to remove the straggly limbs which have broken out of the otherwise tight upright form as well as addressing the low branch overhang of the footpath.
 - In addition they may remove any dead branches from within the crown - which is exempt from the requirement to obtain approval from the Council.