

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** AW/291/13/T**LOCATION:** 45 Kingsway
Craigweil
Bognor Regis**PROPOSAL:** Fell 1No. Conifer Tree**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
TOPOGRAPHY	Predominantly flat.
TREES	The tree subject to this application.
BOUNDARY TREATMENT	N/A.
SITE CHARACTERISTICS	Existing side garden of this 1.5 storey pitched roof cottage.
CHARACTER OF LOCALITY	Situated within a Private Estate, the area is wholly residential in character. There are mainly two storey detached properties set within spacious plots. There are very few trees in the street scene.

RELEVANT SITE HISTORY

AW/2/04/T	Application to fell one Oak Tree	Withdrawn 10-02-2004
AW/240/06/T	Lopping of 1 No. Hornbeam tree	ApproveConditionally 27-10-2006
BR/115/66	Fell trees	Approve 02-12-1966
BR/91/72/T	Felling of 26 small lime trees	Approve 27-03-1972
BR/903/84/T	Felling of 24 Limes 11 Horse Chestnuts 1 Ash 2 Cherry 2 Sycamore trees and 1 Whitebeam tree 10 various types lopped	Approve in Part 17-04-1985

None.

REPRESENTATIONS**Representations received:**

Aldwick Parish Council

Aldwick Parish Council - Members agreed that the Arun Arboriculturist is consulted regarding

this application and that his professional recommendation is/are applied.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Council's Arboriculturist

Conservation Officer

Consultations responses received:

Council's Arboriculturist - considers that the tree appears outwardly healthy, in good overall condition, is highly visible in the street scene and contributes to the visual amenity of the area. It is considered that cracking of the wall and apprehensions over the movement of the tree are insufficient grounds to have the tree removed. An experts report needs to be submitted to support these assertions. On the basis that no expert advice has been received, it is recommended that the application be refused.

Conservation Area Advisory Committee - no objection.

Conservation Officer - none received.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to the site:

Within the Built Up Area Boundary;
Conservation Area;
Article 4 Direction;
No Public Sewer On Site; and
Tree Preservation Order.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	AREA1	Areas of Special Character
	AREA2	Conservation Areas

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE

XXX1	Circular 36/78
XXX2	DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPOs, 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

This tree is covered by a Tree Preservation Order and is located within the side garden to an existing dwelling in a Conservation Area. The applicant has stated that the tree is quite high and has begun to sway in the wind. Also, that it has started to damage an adjacent wall.

The Council's Arboriculturist has inspected the tree and has found the tree to be outwardly healthy & in good overall condition. The tree is considered to be highly visible in the street scene and contributes to the visual amenity of the area. The Arboriculturist does not consider that sufficient evidence has been provided to support the case for the tree to be felled and it is considered that its loss would be detrimental to the visual amenity of the local area and therefore on the character & appearance of the Conservation Area. It is therefore recommended that the application be refused, subject to the following reason.

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 There has been insufficient evidence submitted to demonstrate why this tree needs to be felled and its felling would detract from the character and appearance of this Conservation Area in conflict with the National Planning Policy Framework.