

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area

REF NO: **AW/296/12/TC**

LOCATION: Trendles
 31 Kingsway
 Craigweil

PROPOSAL: Fell 1x Holm Oak (Within the Craigweil House Conservation Area)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Flat
TREES	1 x Holm Oak
BOUNDARY TREATMENT	1 metre high wall and 1.5 metre brick pillars to front boundary.
SITE CHARACTERISTICS	Detached two storey dwelling constructed from red brick.
CHARACTER OF LOCALITY	Craigweil House Conservation Area. Private residential estate of detached two storey dwellings of various character and design.

RELEVANT SITE HISTORY

AW/160/91/T		Approve Conditionally 04-11-1991
AW/176/00/T	Works to 2 oak trees and 1 holly tree and felling of 1 Golden Macrocarpa tree	Approve Conditionally 03-10-2000
AW/139/00/	Conversion of garage on ground floor with living accommodation with extension at first floor level to incorporate bathroom and dressing area linked to existing bedroom. To include ground floor extension at front	Refused 05-12-2000 Appeal: Dismissed 03 05 2001
AW/132/01/	Conversion of garage on ground floor to living accommodation with extension to existing ground floor to provide required accommodation incorporating existing bedroom over.	Approve Conditionally 17-08-2001

AW/88/04/T	Application to top one mature Oak tree.	Refused 09-07-2004 Appeal: Allowed+Conditions 15 03 2005
AW/238/10/TC	Fell 1 no.Eucalyptus tree	No Objection 17-11-2010

REPRESENTATIONS

Representations received:

Aldwick Parish Council

No objection. Members agreed that the Arun Arboriculturist is consulted regarding the application and that his professional recommendations/decision is applied.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Arboriculture: I inspected the Evergreen Oak this morning and found it not to be worthy of a TPO.

The tree is multi stemmed and would require constant reduction in height to ensure that supportive roots do not damage the adjacent wall, obstruct the main gate access and the highway. It also grows to the immediate front of the property and appears out of place within the front garden setting. There are other trees a Eucalyptus and Pittosporum which have greater appeal within the curtilage of the property that would compensate for the loss of this small tree.

CAAC: Objection. Suggest shaping rather than felling.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

XXX1

Circular 36/78

XXX2

DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

TREES

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 211(1) of the Town and Country Planning Act 1990 states:-

'Subject to the provision of this section and Section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of Section 198(3)(a) be prohibited by a Tree Preservation Order shall be guilty of an offence.'

It is a defence to have provided notification to the Local Planning Authority 6 weeks in advance of any works. This is to enable the Local Planning Authority time to consider making a Tree Preservation Order.

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

The Holm Oak is located within the front garden of the property. It is readily visible from the streetscene along Kingsway and the surrounding Conservation Area.

The notification seeks to fell the tree, owing to its close proximity to the front boundary wall and excessive shading. There is a small Yew Tree adjacent to the Holm Oak, which is to be retained.

The Council's Arborist has inspected the tree and considers it not to be worthy of a Tree Preservation Order. The tree is self-seeding and multi-stemmed. It will require constant reduction in height to ensure that it does not damage the adjacent boundary wall, access and highway. In the opinion of the Arborist, it is considered to be a large tree that is out of place within the front garden. Its loss may be compensated by other trees within the front garden of the property (Pittosporum and Eucalyptus). The felling of the tree is therefore not considered to result in any serious detriment to the visual amenities of the locality.

It is therefore recommended that no objection is raised to fell the tree and no Tree Preservation Order be made.

RECOMMENDATION

NO OBJECTION