

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

REF NO: AW/30/21/T

LOCATION: 55 Christchurch Crescent
Aldwick
PO21 5SJ

PROPOSAL: 3 No. Corsican Pine trees - Crown reduction to height approx. 13.5m and spread 10.5m and Crown lift to 3m

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The three trees outlined in this application are located at 55 Christchurch Crescent.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/298/20/T	Crown reduction to height 13m and spread 11m 3 No. Corsican Pine trees.	Refused 11-12-20
AW/219/16/T	Reduce lateral branches of 3 No. Corsican Pine trees by 1m.	ApproveConditionally 25-08-16
AW/273/14/HH	Front porch extension and rear single storey extension.	ApproveConditionally 20-11-14
AW/148/14/T	Remove deadwood over 50mm diameter and thin upper canopies by 15% to 3 No. Pine Trees.	Refused 07-07-14 Appeal: Dismissed 17-04-15
AW/49/07/T	Reduce two branches by half to 1no. Pine tree	Refused 23-04-07

Relevant planning history noted.

REPRESENTATIONS

Aldwick Parish Council - No Objection

Nearby occupiers - 2 public comments from nearby occupiers received:

1 Objection - The trees are attractive and they and provide a pleasant local amenity in the area.

1 Support - During high winds the trees appear dangerous.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer comments:

T1 Black pine / *Pinus nigra* subsp. *Maritima* Height: 10-15m Radial spread: 0-5m Age class: Mature

T2 Black pine / *Pinus nigra* subsp. *Maritima* Height: 10-15m Radial spread: 5-10m Age class: Mature

T3 Black pine / *Pinus nigra* subsp. *Maritima* Height: 10-15m Radial spread: 0-5m Age class: Mature

Three individual trees growing close and in in linear formation. T1 at the S end, T3 at the N end. Collectively form a large group at the southern extremity of a long line of preserved pine trees growing in the rear gardens of property in Christchurch Crescent, Nuffield Close and Pembroke Way.

Outwardly and from distance they appear to be in a fair physiological state and assumed to be so in the absence of any evidence to the contrary. Upper crowns are unmodified and display form typical of the species, although T1 and T3 are slightly suppressed by the dominant middle tree (T2). Group crown profile is visually impressive and can be seen from numerous properties and by users of the public highway (footway and carriageway).

Overhead clearance of the property appears adequate and low branches have been reduced (c2016) to improve lateral clearance of dwelling.

Pine have a poor tolerance of hard pruning and any tip reduction is likely to accelerate decline of those limbs and branches. Reduction pruning should therefore only be undertaken on preserved trees where a risk of failure has been evidenced or is foreseeable.

Conclusions:

The work proposed has not been justified on arboricultural grounds.

The trees are important constituents of a significant feature in the local landscape and appear to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of the trees' landscape impact and undue detriment to the visual amenities of the locality.

Recommendation:

I recommend REFUSAL for this application.

Advisory:

The removal of dead branches is an exception and does not require permission from or notification to, the local planning authority.

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 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 work will have a detrimental effect on the tree and have a negative effect on the trees long-term vitality; perhaps accelerating its terminal decline and therefore resulting in an unacceptable decline in the areas visual amenity.