

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

REF NO: AW/337/20/T

LOCATION: 39 The Drive
Aldwick
PO21 4DT

PROPOSAL: Oak (T1) - Reduce crown by up to 2m to height 10m and spread average 5m due to excessive shading.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 39 The Drive.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/223/15/CLP	Lawful development certificate for the proposed replacement of existing timber windows & timber doors with 12 No. PVCu windows & 4 No. PVCu doors.	PP Not Required 20-08-15
AW/349/15/T	Oak (T1) Remove dead stub at top of trunk and reduce crown by 1 - 1.5m to improve shape	ApproveConditionally 11-01-16

Relevant planning history noted.

REPRESENTATIONS

Objection from Parish Council stating - members objected to the application on the grounds that there had been insufficient growth since the last pruning and that they concurred with the views of the Arun Arboriculturist in relation to this application.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

The above tree has previously been considered for pruning work under planning reference AW/349/15/T. Consent was granted for crown reduction and the Tree Officer at the time considered the tree to be a subject of Area Order - Bognor No2. I concur with the assessment that this tree is likely to have been established at the time the Order was made (1958). As such, I have constructed this report on that basis and not as if the application were a Section 211 Notice - 'Notification of proposed tree work in a Conservation Area.'

Outwardly this tree appears to be in a fair physiological state and stable. It has a severely truncated main stem and much diminished asymmetric limb and branch framework. It was last subject to reduction pruning work c.2015, from which it has responded with moderate vigour.

Although a relatively weak and unimpressive specimen, it is a constituent of the long-established and visually impressive oak population that is characteristic of the area. It grows from the grass verge roadside and highly visible to traffic accessing/exiting this part of the estate. As such, it has some public amenity value.

The tree has a light crown, is of comparatively low height and >15metres distance from the south elevation of nearest dwelling.

Conclusions:

This tree requires careful management that respects its weak physiological state and vulnerability to disease progression. There is insufficient extension of new growth since the last major pruning operation (c2015); so that repeat crown reduction at this time (or within the next 2years) would be too early in the management cycle and likely have a negative effect on its long-term vitality; perhaps accelerating terminal decline.

I do not accept that excessive shading is impacting substantially on the enjoyment of any dwelling or garden.

Recommendation:

I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.

Tree preservation order.

Conservation area.

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.

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 the 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 proposed 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.