

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

REF NO: AW/338/20/T

LOCATION: Blue Haze  
37 The Drive  
Aldwick  
PO21 4DT

PROPOSAL: Oak (T1) - Reduce crown by up to 3m to height 12m and spread 6m due to excessive shading.  
Oak (T2) - Reduce crown by up to 3m to height 11m and spread 5m due to excessive shading, and sever ivy.

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| <b>SITE AND SURROUNDINGS</b> |
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| DESCRIPTION OF APPLICATION | As above.                                                                      |
| TREES                      | The trees outlined in this application are located at Blue Haze, 37 The Drive. |
| SITE CHARACTERISTICS       | Dwelling.                                                                      |
| CHARACTER OF LOCALITY      | Residential.                                                                   |

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| <b>RELEVANT SITE HISTORY</b> |
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| AW/102/20/TC | Crown reduction to height 12m and spread 9m 1 No. Silver Birch tree within the Craigwell House, Aldwick Conservation area. | No Objection<br>12-06-20 |
| AW/69/20/TC  | Surgery to 1 No. Silver Birch tree & removal of ivy within the Craigwell House Conservation Area.                          |                          |
| AW/9/16/TC   | Reduce crowns of 2 No. Oak trees by 2-3m within the Craigwell House Conservation Area.                                     | No Objection<br>08-02-16 |

Relevant planning history noted.

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| <b>REPRESENTATIONS</b> |
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No objection from Parish Council.  
No representations from nearby occupiers.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

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| <b>CONSULTATIONS</b> |
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**CONSULTATION RESPONSES RECEIVED:**

T1 - Appears to be in a fine physiological state with an attractive crown profile having grown-on well from a balanced limb framework. Last subject to crown reduction pruning c2016. A major 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 high public amenity value.

T2 - Outwardly and from distance appears to be in a fine physiological state. It has an abrupt stem truncation and reduced branch framework. It exhibits 1-1.5metres of regrowth since the last operation, c2016. It grows within the front garden of 37 The Drive and approximately 10metres distance from the south elevation of nearest dwelling (39).

The removal of ivy can be undertaken any time and without requiring consent from the local planning authority.

**Conclusions:**

There is insufficient extension of new growth since the last major pruning operations (c2016); 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 their long-term vitality.

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.

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| <b>POLICY CONTEXT</b> |
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Built up area boundary.

Tree preservation order.

Conservation area.

**DEVELOPMENT PLAN POLICIES****PLANNING POLICY GUIDANCE:**

|      |                                     |
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| NPPG | National Planning Practice Guidance |
| NPPF | National Planning Policy Framework  |

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| <b>POLICY COMMENTARY</b> |
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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/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 There is insufficient extension of new growth since the last major pruning operations (c2016); 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 their long-term vitality. It is not accepted that excessive shading is impacting substantially on the enjoyment of any dwelling or garden.