

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

REF NO: AW/40/26/T

LOCATION: 45 The Drive
Aldwick
PO21 4DS

PROPOSAL: Fell 1 No. Yew Dome (T3) and Leylandi Hedge (G1).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees stand within the grounds of 45 The Drive.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/176/25/TC	1 No. Cordyline (T1) to fell. This tree is within the Craigweil House, Aldwick Conservation Area.	No Objection 29-09-25
AW/107/25/T	1 No. Yew (T1) remove annual growth to leave a height of 4.5m and a spread of 5m and crown lift to 50cm from ground level, 1 No. Ginkgo biloba (T2) crown to be thinned by 15% and reduction to leave a height of 9m, 1 No. Fastigate Beech (T3) crown to be thinned by 15% and reduction to leave a height of 8.5m and 1 No. Leylandi hedge (G3) trim annual growth to leave a height of 2.5m and a width of 1.5m.	ApproveConditionally 10-06-25
AW/43/24/TC	Reductions to 1 No. Fastigate Golden Fagus (T4) and 1 No. Ginkgo Biloba (T5) to leave final heights of 6.7m. 7 No. Leylandii (G1) crown reductions to leave heights of 2.6m and spreads of 1.7m. These trees are in the Craigweil House, Aldwick conservation area.	No Objection 20-03-24
AW/42/24/T	1 No. Yew Tree (T1) crown reduction to leave a height of 4.9m and a spread of 5.9m	Approve 26-03-24

AW/306/18/T	Crown reduction up to 0.1m & crown lift by 0.3m from ground to 1No. Yew Tree.	Approve 18-12-18
AW/313/18/TC	Various surgery to various trees within the Craigweil House, Aldwick Conservation area	No Objection 18-12-18
AW/259/17/TC	Height Reduction to 8No. Leylandii, 3No. Golden Crest by 0.1m. Height Reduction of 1No Beech, 1No. Ginkgo Bilboa & 1No. Rowan by 0.6m within Craigweil House, Aldwick conservation area.	No Objection 19-10-17
AW/272/17/T	Crown Reduction to 0.1m and Crown Raise of 0.3m to 1No. Yew tree.	Approve 19-10-17

Relevant planning history noted.

REPRESENTATIONS

Aldwick Parish Council - No objection.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

TREE OFFICER

T3 is a subject of preservation order - Bognor No.2

G1 is a formal hedgerow and historically maintained as such. Prior notice to or consent from the local planning authority is not required before undertaking any work.

T3 Yew / *Taxus baccata* Height: 0-5m Radial spread: 0-5m Age class: Mature

The yew is believed to be a surviving member of the 'yew tree walk,' a historic feature of the original Craigweil House and its environs, with other examples found in neighbouring property. It is visible only in small part from the estate road (Queensway) and adjacent properties, having been regularly trimmed to produce a compact form. Its landscape impact has been diminished by subsequent development of its surroundings. The applicant/agent provide no arboricultural justification for its removal.

Conclusions:

Whilst the tree does not provide much visual amenity, it seemingly remains in a sound and healthy

condition, with usual life expectancy for its type. The tree is of local historic interest and contributes to the character and appearance of the area. Its removal has not been justified on arboricultural grounds.

Recommendation:

We refuse consent for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Tree Preservation Order.

Conservation Area.

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under references ID 36-090-20140306, ID 36-093-20140306 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

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) and Article 1

of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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

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 no arboricultural justification for the tree to be felled and its felling would detract from the local historic interest and character and appearance of the area. The proposed works are therefore contrary to the NPPF.