

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

REF NO: **AW/48/13/T**

LOCATION: 47 Fish Lane
 West Lodge
 Aldwick

PROPOSAL: Various surgery to 1no. Oak tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks consent to reduce, pollard, thin, prune and shape 1no. Oak Tree.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	1no. mature Oak Tree
BOUNDARY TREATMENT	2.5 metre high wall to boundary fronting Fish Lane.
SITE CHARACTERISTICS	Detached dwelling faced in white render with pitch, gabled roof and glazed conservatory to front elevation facing Fish Lane.
CHARACTER OF LOCALITY	Predominantly residential comprising detached properties of various character and design.

RELEVANT SITE HISTORY

BR/47/77/T	Lopping of one oak tree	Approve Conditionally 23-02-1977
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REPRESENTATIONS

Representations received:

Aldwick Parish Council

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

Comments on Representations received:

Comments noted.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Arboriculture: Objection. The applicant wishes to carry out various works to the Oak Tree

(pollard, thin, prune, shape unbalanced branches, reduce overall) and the proposal is non-specific. There is mention of deadwood which can be removed without requiring consent for the council. The applicant has mentioned that 'we are fearful to walk underneath'. According to the application Section 8, if the applicant has a fear of the tree that it might break and fall, then written arboricultural advice or other diagnostic information from an appropriate expert is required.

The application is vague and there is no supportive evidence from an appropriate expert to provide advice or guidance on this application. Therefore I recommend that consent should not be granted for this application.

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

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 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 warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The Oak Tree is located in the front garden of the application property and is visually prominent, being a mature tree with a large, spreading canopy that is visible along Fish Lane. The tree is protected by TPO/2/58 TPO/AW/101/10 and possesses significant public amenity value.

The applicant seeks consent reduce, pollard, thin, prune and shape, in addition to deadwood, although the precise amounts are not specified. The works are requested in order to reduce the

risk of limb failure and falling deadwood. The application is not supported by an assessment from a suitably qualified expert however. The Council's Tree Officer comments that the proposal is non-specific and refers to various works to the tree without appropriate arboricultural advice or diagnostic information. Furthermore, deadwood can be undertaken without consent.

In summary, the works are unclear and non-specific, and require arboricultural justification from an expert. It is therefore recommended that consent is refused on the following grounds:

RECOMMENDATION

REFUSE

- 1 The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. On the basis of the information available, the applicant has failed to provide satisfactory or adequate diagnostic information from a suitably qualified arboriculturist to justify the proposed works to the Oak Tree. The Local Planning Authority is therefore not satisfied that the proposed works can be undertaken in a satisfactory manner.