

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

REF NO: AW/63/26/T

LOCATION: 23 The Fairway
Aldwick
PO21 4ES

PROPOSAL: Crown reduction of 1 No. Macrocarpa (Monterey Cypress) to leave a height of 19m and spread of 13m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree stands in the rear garden of 23 The Fairway.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/186/25/TC	1 No. Macrocarpa (T1) reduction (eastern side) to leave a spread of 3.5m and height will remain 7m. 1 No. Weeping Willow (T2) crown reduction to leave a height of 4m and a spread of 5m. These trees are within the Aldwick Bay Conservation Area.	No Objection 26-09-25
AW/135/22/TC	1no. Macrocarpa (T1) reduce spread by 5m and remove the lowest single bough overhanging the garden to leave spread approx. 3.5m. Height remains unaffected. 1no. Weeping Willow (T2) reduce height by 4m and spread by 3.5m to leave tree at approx. height 4m and spread 5m. Trees within Aldwick Bay conservation area.	No Objection 27-06-22

REPRESENTATIONS

Aldwick Parish Council - No objection.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer - The applicant seeks to reduce the top height and spread on all aspects, by approximately 4 and 3m respectively. This equates to a reduction in crown (limb and branch framework) volume of 70%, far in excess of any industry standard or guidance.

The percentage of foliage removed will be far greater, a large majority of which grows at the crown periphery where light levels are conducive to new growth.

Cypress trees have a poor tolerance of hard pruning as shoots will not grow from old wood, so therefore should only ever be pruned lightly.

From the applicant's garden and surrounding estate road network, the tree appears healthy, is prominent and displays an attractive profile. The arching branch tips are characteristic of this tree type when unmodified by hard pruning and responsible for much of its visual appeal.

There is no arboricultural justification given for the work and I found none for whole crown reduction pruning to any extent.

Conclusions: The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.

Recommendations: 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 36-093-20140306, 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

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.

The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality, contrary to the NPPF.

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

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 tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality, contrary to the NPPF.