

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area

REF NO: **AW/64/14/TC**

LOCATION: 15 Wychwood Close
 Aldwick

PROPOSAL: Reduce 1 No Mimosa tree by 1-1.5 metres within the Craigweil House Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The tree the subject of this notification but various trees within and around the site.
BOUNDARY TREATMENT	Close boarded fencing to sides and rear.
SITE CHARACTERISTICS	Semi-detached two storey property with rendered walls painted cream, brown tiled roof with white window frames.
CHARACTER OF LOCALITY	Private residential estate within Conservation Area. The close comprises semi-detached and detached properties of various styles and designs.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Aldwick Parish Council
Awaited

Comments on Representations received:

None

CONSULTATIONS

Arboriculturist

Consultations responses received:

Consultant Arboriculturist
was unable to gain access to the garden as the owner was not at home but I was able to get a good view of it from the road to the side of the property sufficient to make a determination. Judging from this and the photograph submitted I can see that whilst not being a very large tree in the landscape it is fairly large for the size of rear garden.

This tree is not worthy of a TPO and I raise no Objection to the proposed pruning of this tree as notified.

Conservation Area Advisory Committee
No comment.

Comments on Consultation responses:

Arboriculturist comments noted and agreed.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Tree Preservation Order
Within Conservation Area
Art 4 Direction

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [AREA2](#) Conservation Areas

PLANNING POLICY GUIDANCE

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.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 211(1) of the Town and Country Planning Act 1990 states:-

'Subject to the provision of this section and Section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of Section 198(3)(a) be prohibited by a Tree Preservation Order shall be guilty of an offence.'

It is a defence to have provided notification to the Local Planning Authority 6 weeks in advance of any works. This is to enable the Local Planning Authority time to consider making a Tree Preservation Order.

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 mimosa tree is sited in the rear garden in the south west corner and although visible to neighbouring gardens is not considered to be of significant public visual amenity value.

The garden is relatively small and the tree is causing intense shading of the garden and the notification seeks for an overall reduction of the tree by 1m-1.5m. The Consultant Arboriculturist has raised no objection to the proposed pruning.

It is not considered that the work proposed would harm the trees visual impact, character and appearance of the Conservation Area. It is therefore recommended that no objection be raised or Tree Preservation Order be made.

RECOMMENDATION

NO OBJECTION

- 1 **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 2 **INFORMATIVE:** This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.