

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

REF NO: AW/70/19/T

LOCATION: Holly Lodge  
3 Barrack Lane  
Aldwick  
PO21 4BY

PROPOSAL: Crown lift by 1m, Crown reduction by 3m & Crown thin 30% to 2No. Holm Oak trees.  
Crown reduction by 3m & Crown thin 30% to 1No. Sycamore tree.  
Reduce split bough by 2.25m to 1No. Holm Oak tree.

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| <b>SITE AND SURROUNDINGS</b> |
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| DESCRIPTION OF APPLICATION | As above                                                                             |
| TREES                      | The tree outlined in this application is located in the rear garden of the property. |
| SITE CHARACTERISTICS       | Dwelling with garden to front and rear.                                              |
| CHARACTER OF LOCALITY      | Residential area.                                                                    |

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| <b>RELEVANT SITE HISTORY</b> |
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| AW/18/15/T  | Thin crowns by 30%, lift crowns to a height of 2.5 m above ground level, reduce crown to height of ridge line & spread by 5-6m to 2 No. Holm Oak trees & crown thin by 30%, reduce crown to height of ridge line & spread to 5-6m to 1 No. Sycamore tree. | ApproveConditionally<br>19-03-15 |
| AW/242/10/T | Reduce height and spread of crown by 20% - 25% to 2 No Holm Oak trees and 1 No Sycamore                                                                                                                                                                   | ApproveConditionally<br>17-12-10 |

History noted.

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| <b>REPRESENTATIONS</b> |
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**REPRESENTATIONS RECEIVED:**

Aldwick Parish Council

Aldwick Parish Council: No objection received from Aldwick Parish Council.

No representations received from nearby occupiers.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted.

**CONSULTATIONS**

Arboriculturist

**CONSULTATION RESPONSES RECEIVED:**

Tree Officer Comments: T1 & T3 Holm oak / Quercus ilex Average height: 8m Average spread: 3m

Age class: Early mature

T2 Sycamore / Acer pseudoplatanus Approx. height: 10m Average spread: 3m Age class:

Early mature

For the purposes of reviewing this application; all three trees can be satisfactorily considered for generic comment, as follows:

- Outwardly and from a distance they appear to be healthy and stable. Despite their history of heavy and regular crown reduction they have 'grown-on well' (particularly T2) and their collective canopy makes a useful visual contribution. Canopy height, spread and overhead clearance is proportionate and not obviously problematic in relation to its surroundings.

- I did not observe a split limb/branch although my view was restricted to the eastern aspects. If such a limb presents an immediate risk of harm to person/property then it would qualify as an exception and does not require our consent prior to it being 'made safe'.

Conclusions:

- The removal of dead or imminently dangerous branches is an exception and does not require permission, although in respect of the latter those works should only be to the extent that the immediate threat to person(s) or property is abated.

- Repeat crown reduction pruning operations will be necessary throughout the remaining life-span of these trees, to achieve a reasonable degree of structural integrity appropriate for their location. The proposal to reduce overall height and spread with a view to restricting their growth is consistent with previous applications (approved by the Local Planning Authority) although I find the timing of this latest proposal to be premature in the management cycle and likely to be harmful to the trees ongoing health and vitality. There is insufficient extension of new growth since the last major pruning operations (c2015).

- Crown reduction and Crown thinning work has not been justified on arboricultural grounds. In respect of the latter, such work rarely provides a benefit to the tree and often only a short-term increase in light levels. Furthermore, such considerable loss of crown volume during a one-off operation will impose undue physiological distress and may compromise their long-term position in the landscape.

Recommendations:

- I recommend REFUSAL for this application.

Advisory:

- I would recommend the applicant re-apply for the crown lifting and crown reduction elements of this application in 18-24months from now, at which time I would expect the subject trees to have achieved sufficient canopy renewal to sustain repeat operations.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted

**DEVELOPMENT PLAN POLICES**

## PLANNING POLICY GUIDANCE:

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| 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 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 no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

### CONCLUSIONS

Following the comments from the Tree Officer it is recommended that this application 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.

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| <b>RECOMMENDATION</b> |
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REFUSE

- 1 The timing of this latest proposal is premature in the management cycle and likely to be harmful to the trees ongoing health and vitality. There is insufficient extension of new growth since the last major pruning operations (c2015)
- 2 INFORMATIVE: It is recommended the applicant re-apply for the crown lifting and crown reduction elements of this application in 18-24months from now, at which time I would expect the subject trees to have achieved sufficient canopy renewal to sustain repeat operations.