

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** **AW/88/14/T****LOCATION:** 34 Regis Avenue
Aldwick**PROPOSAL:** Fell 1 No Dawn Redwood**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A.
RESIDENTIAL DEVELOPMENT DENSITY	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	The Dawn Redwood Tree is located right up against a shed and within only a few feet of the boundary fence with the neighbour. The Tree is visible from the Fairway.
BOUNDARY TREATMENT	Front boundary is open to the highway. Rear boundary has 2m close boarded fencing & hedge screening to approximately 3m in height. Side boundaries are also close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	The detached two storey property has an integral garage, balcony on front elevation. Pond and wooden garden shed in rear garden. The property has red brickwork, brown tiled roof with white window frames.
CHARACTER OF LOCALITY	Private residential estate of detached modern dwellings and bungalows.

RELEVANT SITE HISTORY

AW/304/86	Sun lounge with balcony above	ApproveConditionally 23-02-1987
AW/31/08/T	Crown lift, remove branch overhanging neighbour and reduce height by 15% to one Dawn Redwood tree.	Refused 07-04-2008
AW/176/09/	Single storey rear extension	ApproveConditionally 24-11-2009

AW/251/12/

Front extension

ApproveConditionally

15-11-2012

None.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Aldwick Parish Council - Members strongly object to the application on the grounds that the tree is not diseased and could be maintained with good husbandry.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Councils Arboricultural Officer - "In view of the fact of the imminent date for determination I did not have time to carry out a full site inspection - this assessment has therefore been carried out by means of a drive past survey and using photographs taken by the planning case officer and from review of the paperwork submitted in support of the application."

The tree is described as being a rare tree species and a good tree albeit with a low branching habit over adjacent property. The Arboriculturalist notes that the tree can clearly be viewed from Priory Close, Regis Avenue and The Fairway. The argument over low amenity value is therefore not accepted.

The recommendation is to object for the following reasons:-

- * In the interests of public amenity in view of the fact that this TPO'd tree is of good form and a rare species and also makes a significant contribution to the Conservation Area.
- * Its close proximity to the neighbours house has been given by the applicant as the primary reason for removal but no evidence has been submitted from an arboricultural expert or structural engineer to support a claim of damage said property.

The Arboriculturalist does state that some pruning works might be acceptable:

"I could support a crown lifting exercise on this tree subject to receipt of a new application seeking to establish a 3m ground clearance and 0.5m clearance from the roof of the garage next door - with no branches of greater than 100mm diameter being removed."

Comments on Consultation responses:

It should be noted that the site is not actually within the Conservation Area but the tree is approximately 115m (as the crow flies) from the edge of the Conservation Area.

POLICY CONTEXT

Designations applicable to site:

Within built-up area boundary;
PD restriction;
Tree Preservation Order; and
No public sewer.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

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

The applicants state that the tree is too close to the neighbouring property and has low amenity value being within a rear garden. The applicants propose to plant a replacement Dawn Redwood tree in the north east corner of the garden.

The Councils Arboricultural Officer has assessed the site/proposal and does not consider that the tree has low amenity value. It is noted that it is visible from Priory Close, Regis Avenue and The Fairway. Furthermore, it is noted that no evidence is provided in respect of whether the proximity to the neighbour is causing any problems, indeed it is not explicit as to what the problem with regard to the tree being close to the neighbouring property is.

The Councils Arboriculturist states that he could agree to some pruning works but that the proposed felling is unacceptable. Accordingly, it is recommended that permission be refused.

RECOMMENDATION

REFUSE

- 1 This rare tree species has good form and makes a significant contribution to the setting of the Aldwick Bay Conservation Area. No arboricultural or structural evidence has been provided to demonstrate any impact on the neighbouring property and for the afore mentioned reasons, the tree's removal would be detrimental to the character and appearance of the area and would be in conflict with the National Planning Policy Framework.