

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

REF NO: AW/89/20/T

LOCATION: 15 Acorn End  
Aldwick  
PO21 4JA

PROPOSAL: Fell 1 No. Sycamore tree.

**SITE AND SURROUNDINGS**

|                            |                                                                          |
|----------------------------|--------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above                                                                 |
| TREES                      | The tree outlined in this application is in the grounds of 15 Acorn End. |
| SITE CHARACTERISTICS       | Dwelling.                                                                |
| CHARACTER OF LOCALITY      | Residential.                                                             |

**RELEVANT SITE HISTORY**

|             |                          |                     |
|-------------|--------------------------|---------------------|
| AW/22/08/T  | Fell 1 Sycamore tree     | Refused<br>25-03-08 |
| AW/124/06/T | Fell 1 No. Sycamore tree | Refused<br>07-07-06 |

Two relevant applications for the same works, both refused.

**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**

Aldwick Parish Council  
No objections.

No representation from nearby occupiers.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

**CONSULTATIONS**

Arboriculturist

## CONSULTATION RESPONSES RECEIVED:

Sycamore / Acer pseudoplatanus Approx. height: 13m Average spread: 6m Age class: Mature

- The applicant has employed Elmcroft Tree Services Ltd to assess the tree and provide a report on its condition. The report draws attention to excessive decay in main stem, ongoing concern of the applicant and surrounding residents then recommends felling to address the risk of failure.

- Outwardly and from a distance this tree appears to be in a fine physiological state. It has a full and balanced crown, no doubt visually attractive when in leaf - having 'grown on' well since last subject to reduction pruning. This pruning involved the reduction of height and spread on all aspects, sometime around 2008 (average 3m growth from past pruning points) and possibly at the suggestion of the local planning authority's arboriculturist; although I see no formal application for that work in our records.

- During my own assessment, I observed a deep and open cavity at around 1.5 - 3.0m ht. on the main stem, probably arising from the historic tear-out of a large limb/branch. This is long-established and there has formed healthy woundwood in response. No obvious sign of pathogen activity to suggest decay is aggressive and/or ongoing nor evidence to suggest (or provided to confirm) it is to a problematic extent.

- A higher open cavity on the opposite side of the tree is strongly associated with a targeted pruning wound.

- It grows at the front of the property and while discreetly situated within a relatively recent residential development, it presents an attractive upper crown profile which can be seen from several surrounding properties and from public highway. As such, it has public amenity value.

### Conclusions:

- The tree appears to have adequate structural integrity for its location and no conclusive evidence has been provided in support of the application and to justify the proposal. It continues to provide significant visual amenity and has not been proven to present an unacceptable level of risk for its location, so should be retained.

- My ground level, non-invasive assessment of the tree suggests that the large open cavity is a genuine concern and worthy of further detailed investigation, perhaps utilising diagnostic tools/ associated with decay evaluation (resistograph micro-drill, sonic/ electrical impedance tomography), by an appropriate expert familiar with those techniques and experienced in interpretation of the data arising from their use.

- The tree has previously been the subject of crown reduction work, which ought to be repeated at some stage if only to ensure the crown does not develop heavy limbs/branches arising from past pruning points. I would support a repeat of this earlier work (which may also help alleviate concerns of the applicant and neighbours), although a new application would be required. Such work (if approved) would have to be undertaken during the summer or mid-winter to adequately respect the tree's ongoing health and vitality.

### Recommendations:

I recommend REFUSAL for this application.

## COMMENTS ON CONSULTATION RESPONSES:

Comments noted

## POLICY CONTEXT

Built up Area Boundary

## 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 36-090-20140306 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 of the tree officer it is recommended consent 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.

**RECOMMENDATION**

**REFUSE**

- 1        There is no arboricultural reason for the tree to be felled and its felling would detract from the visual amenities of the locality in conflict with policies in the Arun District Local Plan.