AW/8/06/TC

TREES IN A CONSERVATION AREA REPORT

DESCRIPTION/ ADDRESS	-	Fell 1 no. Macrocarpa tree (Within the Aldwick Bay Conservation Area) 106 Manor Way, Aldwick

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	The felling of a bur oak (*Quercus macrocarpa*) which is situated to the rear of the property at the southern edge of the curtilage and abutting a close boarded fence at approximately 1.8 metres in height.
SITE AREA	Approximately of 0.21 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	Numerous other trees of mixed type and size, other than the tree which forms the subject of this application.
BOUNDARY TREATMENT	The boundaries to front and rear consist of close boarded fencing at approximately 1.8 metres and vegetation at over 2 metres in height.
SITE CHARACTERISTICS	A two storey detached property with smooth rendered walls and wooden window frames and a distinctive bay window to front. There is a hipped pantiled roof and a double garage integrated with the property.
CHARACTER OF LOCALITY	Situated on a residential road within the Private Aldwick Bay Estate, there are similar two storey detached properties on large plots.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
AW/122/02/T	Fell 1 Eucalyptus Gunnii tree	Approved conditionally 03-09-2002
AW/222/05/TC	Fell one Leylandii tree (Within the Aldwick Conservation Area)	No objection 19-10-2005

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Aldwick Parish Meeting	Awaited
Conservation Area Advisory Committee	No comment
Wildlife Protection Group	No felling unless dead or dangerous

One letter of support Too close to house. Dangerous.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Council's Arboriculturalist	Macrocarpa at rear growing near the boundary wall and completely inappropriate. It is not worthy of a continued Tree Preservation Order.

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POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Inside Built-Up Area Conservation Area Tree Preservation Order - various

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan : LOC2, CH4, CH5
Arun District Local Plan : AREA1, AREA2, GEN7
DETR TPO's : A Guide to the Law & Good Practice

PLANNING POLICY GUIDANCE

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas
Circular 36/78		
DETR TPO's	-	A Guide to the Law & Good Practice
PPG15	-	Planning and the Historic Environment

POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPO's, are not specific to trees.

COMMENT ON CONSULTATION RESPONSES

Noted and agreed.

COMMENT ON REPRESENTATIONS RECEIVED

Noted. ~~However, felling requires a separate application~~.

ASSESSMENT OF PROPOSAL

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 legislative background.

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CONCLUSIONS

The bur oak (*Quercus macrocarpa*) which forms the subject of this application is assessed to be over 8 metres in height. It currently has uneven balancing of foliage with the majority situated to the southern side. Further, the tree currently exhibits an overhang in the order of approximately one metre at Number 10 in The Ridings which is situated to the south. This overhang is considered to qualify as exhibiting an overbearing effect on the property. Principally, this is caused by the height of the tree at over 8 metres and the boundary treatment of close boarded fencing at approximately 1.8 metres, coupled with an angled trunk to Number 10.

The rear location of the Macrocarpa to the property means that it is unlikely to be viewed from the street scene and therefore fails to make a significant visual contribution from the road. In addition, the Macrocarpa tree is situated amongst many other trees of varying species and height. Therefore, its loss will not be at a significant level to the visual detriment of the public or private amenity value. The intention of a replacement tree will further lessen the impact of the felling. Indeed, the felling of the tree is considered appropriate and does not warrant a Tree Preservation Order.

In confirmation, the Council's Arboriculturalist is of the opinion that the Marcrocarpa is inappropriate and not worthy of a Tree Preservation Order.

Therefore, it is recommended that no objection be raised to the felling of the Macrocarpa tree.

ALDWICK	AW/8/06/TC
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RECOMMENDATION

No Objection