

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

REF NO: AW/90/19/T

LOCATION: The Gables
3 Kingsway
Bognor Regis
PO21 4DQ

PROPOSAL: Crown reduction of 8m to 2 No. Sycamore trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	the tree in this application is located to the rear of the garden attached to the property.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/84/19/TC	Various work to various trees within the Craigwell House, Aldwick conservation area.
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Relevant planning history noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Aldwick Parish Council

Aldwick Parish Council has no objection and members agreed that the Arun Arboroculturist should be consulted regarding the application and that his recommendations/decision be applied.

No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Arboriculturist

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments

T7 Sycamore / *Acer pseudoplatanus* Approx. height: 15m Average spread: 5m Age class: Mature

The following two paragraphs describe the Statutory Protections affecting trees on this plot.

There are two Tree Preservation Orders (TPO) directly affecting this plot: (Bognor No.2), an area Order made in 1958 and TPO/AW/240/10, an individual Order made in 2010 and specific to a sycamore tree (T753 as described on the TPO schedule and map) recorded as T7 on the applicant's submitted plan. Having considered the submitted scheme of proposed tree work, I am satisfied that only item T7 (T753) is protected by an Order.

The entire plot is located within the Craigweil House, Aldwick Conservation Area. As such, all other established trees on the plot with a stem diameter equal to or greater than 100mm, measurement taken at 1.0m height - would require a Sect.211 Notice (of Intent to Undertake Tree Works in a Conservation Area).

In view of the above Statutory Protections, I can only consider T7 sycamore as part of this application.

Outwardly and from a distance this tree appears to be in a fine physiological state. It grows at the rear of the property and can be seen from neighbouring dwellings but has only limited visibility from publicly accessible land. It has a heavily modified crown having been previously reduced in height and spread.

Further crown reduction work will be necessary throughout the remaining life-span of this tree, to achieve a reasonable degree of structural integrity appropriate for its location.

Conclusions:

This tree has the potential to develop a heavy and congested limb/branch framework if allowed to grow unchecked, such that it may suffer partial failure of the same.

The applicant proposes an 8metre crown reduction. If the full extent of meterage is applied on all aspects this would exceed the recommendations in British Standard 3998:2010 - Tree Work and result in damaging loss of crown volume.

If the application wishes to undertake crown reduction work to the other two sycamores (T5 and T8 on the applicant's submitted plan), then a Sect.211 Notice will be required. I would advise at this stage that the current extent of crown reduction proposed would be considered similarly excessive and perhaps a lesser degree of pruning such as advised below would be more appropriate for those two trees also.

Recommendations:

I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Tree Preservation Order

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 from 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 Reason: The proposed works in the application would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.
The proposed works to the tree would result in a heavily modified crown having been previously reduced in height and spread. The 8m reductions would exceed the recommendations in BS3998:2010 and the potential to develop a heavy and congested limb/branch framework such that it may result in partial failure.