

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

**REF NO:** AW/93/17/T

**LOCATION:** 23 Margaret Close  
Aldwick  
West Sussex

**PROPOSAL:** Fell 1No. Maple tree.

**SITE AND SURROUNDINGS**

|                            |                                                                                             |
|----------------------------|---------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above.                                                                                   |
| TREES                      | The tree outlined in this application is located on the land at 23 Margaret Close, Aldwick. |
| SITE CHARACTERISTICS       | Dwelling.                                                                                   |
| CHARACTER OF LOCALITY      | Residential.                                                                                |

**RELEVANT SITE HISTORY**

|             |                                                       |                                    |
|-------------|-------------------------------------------------------|------------------------------------|
| AW/333/87/T | Fell one Beech and lop one Fir                        | ApproveConditionally<br>29-12-1987 |
| AW/200/00/T | Application to fell one Fir Tree.                     | Refused<br>03-11-2000              |
| AW/168/12/T | Reduce height of 1 no. Maple tree to approx. 5 metres | ApproveConditionally<br>24-08-2012 |

Relevant planning history noted.

**REPRESENTATIONS**

**Representations received:**

No comments received from Parish Council.

No representations received from nearby occupiers.

**Comments on Representations received:**

Noted.

**CONSULTATIONS**

Arboriculturist

**Consultations responses received:**

TREE OFFICER:

- This tree has been very heavily topped and lopped at 4m from ground in the past and some very large diameter wounds left which have subsequently rotted and cavities formed at the pruning points - although it is impossible from ground level to ascertain the extent of this decay.

- The small crown area is comprised of regrowth from around the pruning points and is currently safe and healthy with no signs of diseased foliage.

**Conclusions:**

- The applicants have stated that the tree is diseased but contrary to the requirements of the TPO application process have not submitted a report from an expert to support this.

**Recommendations:**

- I recommend REFUSAL for the felling of this tree on the grounds that there is currently no justification for this action.

**Comments on Consultation responses:**

Comments noted.

**POLICY CONTEXT**

Within Built Up Area  
Tree Preservation Order

**DEVELOPMENT PLAN POLICIES**

[Arun District Local Plan 2003:](#)

**PLANNING POLICY GUIDANCE**

NPPF  
NPPG

National Planning Policy Framework  
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 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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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**

In assessing this proposal neutral 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).

#### **RECOMMENDATION**

##### **REFUSE**

- 1 The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The felling proposed in the application would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.
- 2 **ADVISORY**  
Tree Officer - The applicants will need to employ the services of a suitably qualified and experienced Arboricultural Consultant to climb and inspect the cavities in this tree and advise them on the health and safety of same and then if they feel there is justification for removal on the grounds that fungal decay undermines the safety of this tree then please do re-submit a TPO application seeking removal on these grounds.