

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

REF NO: A/19/18/T

LOCATION: The Dower House  
West Drive  
Angmering  
BN16 4JE

PROPOSAL: 1x Holm Oak - Remove 1x 10m bough

**SITE AND SURROUNDINGS**

|                            |                                                                                                         |
|----------------------------|---------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above.                                                                                               |
| TREES                      | The tree outlined in this application is located on the land at The Dower House, West Drive, Angmering. |
| SITE CHARACTERISTICS       | Dwelling.                                                                                               |
| CHARACTER OF LOCALITY      | Residential.                                                                                            |

**RELEVANT SITE HISTORY**

Relevant planning history noted.

**REPRESENTATIONS**

**REPRESENTATIONS RECEIVED:**

Angmering Parish Council  
Parish Council - No objection.

No representations received from nearby occupiers.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

**CONSULTATIONS**

Arboriculturist

**CONSULTATION RESPONSES RECEIVED:**

Tree Officer -  
Holm oak - Quercus ilex - Height: Approx. 15m - Average Spread: 7m - Age: Mature

- A large tree with a full and spreading crown. It appears to be in a generally fine physiological state and

structurally sound. It is approaching (if not having already arrived at) over-mature phase.

- It is discreetly located within the expansive gardens of the property, although by virtue of its size and evergreen foliage has significant presence when viewed from its southern aspect. It is visible from neighbouring properties and traffic accessing/exiting this part of the estate. As such, it has public amenity value.

- An established fungal bracket (*Ganoderma* sp.) is present at the stem base on its Northern side. This is not unusual for a holm oak of this age and while not investigated I suspect it is of limited significance at this time.

- Recent pruning has occurred, to reduce back smaller branches arising from the end of this limb. Consequently there is a relatively small quantity of foliage bearing twigs and branches remaining along its length. It does not display any obvious indicators of bio-mechanical weakness when viewed from ground level.

**Conclusions:**

- This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression.

- I am unable to consider the amenity value of individual limbs and branches; rather an evaluation must consider the whole tree. There is potential for the limb to produce new growth from dormant buds and remain a viable long-term component of the tree.

- Limb removal would ultimately create a large wound at the main stem with potentially serious implications for the tree's long-term health and vitality and would not comply with British Standard 3998:2010 Tree Work-Recommendations.

- I am unable to concur with the reasons stated as being sufficient to justify the work now proposed.

**Recommendations:**

- I recommend REFUSAL for this application.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

**POLICY CONTEXT**

Within Built Up Area

Tree Preservation Order

**DEVELOPMENT PLAN POLICES**

**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 that this application 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 is considered to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in an excessive reduction of the tree's landscape impact, its long-term health and vitality.