

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

REF NO: A/57/18/T

LOCATION: Manor House
Mulberry Hollow
Angmering
BN16 4JB

PROPOSAL: Reduce 1 No.Ilex Oak by 3m in height & radial spread, raise Crown to approximatley 5m & remove 1 large limb over hanging neighbours rear gate.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TOPOGRAPHY	Predominantly flat
TREES	The tree is located at Manor House and visible from the adjacent golf course
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

A/110/17/T	Fell 1No. Leylandii tree	Approve 24-07-17
A/204/16/T	Fell & replace 5 No. Leylandii trees with low-growing hedging (Beech/Hawthorn).	Approve 12-01-17

Relevant site history noted

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Angmering Parish Council
Parish Council provided no response
No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments

Holm oak

Tree appears to be in a fine physiological state with no obvious signs of disease, when assessed from ground level. It has fine form despite being multi-stemmed with a full crown and low branches down to 1m above ground level over two gardens and neighbouring golf course land.

The tree is visible from adjacent property and in part from the adjacent golf course. It contributes significantly to the high canopy locally.

The applicant proposes a crown reduction of such an extent that would result in the approximate loss of half its foliar mass, in addition to crown lifting to provide 5m overhead clearance on all aspects.

There is evidence of occluded metalwork where a section of gated fence has been damaged and there is ongoing concern for the integrity of this repaired section and gate post(s).

The large south-easterly tending limb proposed for removal grows from low on the main stem and supports a significant portion of the subsidiary limb and branch framework on this aspect.

Conclusions:

This is a long-established tree given adequate room during past development of the site, to have been able to grow in harmony with its surroundings. The metal gated fence is a relatively recent introduction, for which it was foreseeable a high risk of damage from buttress root/stem expansion would occur. The removal of such a large limb to accommodate the same, would leave a large wound low on the main stem with potentially harmful consequences to tree health (ingress of decay) and create a void in the crown profile that would allow winds to exert new and potentially damaging loading forces on otherwise protected stem and branch unions.

The removal of low branches to achieve 5m clearance above ground level is not justified on arboricultural grounds and exceeds that which is recommended in the British Standard (BS3998:2010) Tree work - Recommendations.

The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The tree surgery 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.

I have some sympathy with the desire to maintain formal and ornamental plants beneath this trees canopy, although it may be more appropriate to consider the use of shade tolerant, hardier species that might stand a better chance to flourish. As such, were the applicant to submit a new application with a request to 'Crown lift to 3metres on all aspects', I would be able to lend that element of work my support.

Recommendations:

I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

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 comments from the tree officer, it is recommended the application be refused,

HUMAN RIGHTS ACT

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 The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The tree surgery 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.