

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

REF NO: BN/42/19/T

LOCATION: 96 Barnham Road
Barnham
PO22 0EW

PROPOSAL: Crown reduction by 10m to 4 No. Lime trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees outlined in this application are located to the grounds of the property.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.
No relevant planning history.	

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Parish Council:

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree officers comments:

4x lime / Tilia sp. Average height: 15-20m Average spread: 0-5m Age class: Mature

This tight cluster of stems (4x lime) present as being a single tree multi-stemmed from the base, although I could not determine that due to the density of basal growth/surrounding vegetation. The Tree Preservation Order describes four lime trees within the front boundary group (G1), which it is assumed relate to this stem cluster.

Outwardly and from a distance the group canopy suggests they are generally in a fair physiological state, although one stem when viewed from the garden shows signs of upper crown dieback - possibly associated with a root/stem base disease.

These are large, prominent roadside trees, which are clearly visible to public highway users (footway and carriageway) and from surrounding properties. As such, they have public amenity value. Their high canopy contributes to the visually attractive tree-lined character of the road.

The photographic evidence submitted in support of the application suggests there could be a significant problem with the structural integrity of the tree(s). Unfortunately, this has neither been established by a tree specialist (Arboricultural Consultant or experienced/qualified Arborist) nor clearly visible at the time of my own site visit.

We have not been made aware of any detailed investigation of this tree and no evidence or report from a suitably qualified and experienced person has been submitted in support of this application. This is a requirement of the normal application process, as detailed in sect.8 of the Tree Work Application form.

My ground level, non-invasive and severely restricted visual assessment of the tree revealed an area of decay exposed following recent stem failure is a genuine concern and worthy of prompt investigation.

Conclusions:

The proposal to reduce both the height and lateral spread on all aspects (the correct interpretation of crown reduction) by 10m respectively is only achievable in part and does not comply with 'British Standard (BS3998:2010) Tree work - Recommendations'. It would be likely to result in harm to the health and vitality of the tree with large pruning wounds being formed as well as undermining its visual amenity value and impact in the landscape. That said, it may prove to be necessary to undertake drastic pruning (or stem removal) to mitigate a risk of catastrophic failure.

The applicant has not submitted any written arboricultural advice or technical evidence from an appropriate expert in support of the reasons given for the proposed works.

Recommendations:

I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Within the Built Up Area Boundary
Area of Character
Archaeological Notification Area
WSCC Mineral Consultation Area
Tree Preservation Order

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 of 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) 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

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 INFORMATIVE:
The applicant should employ the services of a tree specialist to carry out a close visual inspection of the trees. A report should be submitted as part of a new application, to justify the

proposed work. Should a close inspection identify the tree(s) as posing an immediate threat of serious harm to persons or property, then action can be taken under exception from the normal application process.

Please read the following notes carefully:

What is the exception for work on dangerous trees and branches?

Where a tree presents an immediate risk of serious harm and work is urgently needed to remove that risk, tree owners or their agents must give written notice to the authority as soon as practicable after that work becomes necessary. Work should only be carried out to the extent that it is necessary to remove the risk.

In deciding whether work to a tree or branch is urgently necessary because it presents an immediate risk of serious harm, the Secretary of State's view is that there must be a present serious safety risk. This need not be limited to that brought about by disease or damage to the tree. It is sufficient to find that, by virtue of the state of a tree, its size, its position and such effect as any of those factors have, the tree presents an immediate risk of serious harm that must be dealt with urgently. One consideration would be to look at what is likely to happen, such as injury to a passing pedestrian.

If the danger is not immediate the tree does not come within the meaning of the exception.

Where a tree is not covered by the woodland classification and is cut down because there is an urgent necessity to remove an immediate risk of serious harm, the landowner has a duty to plant a replacement tree of an appropriate size and species.

Paragraph: 080 Reference ID: 36-080-20140306

Revision date: 06 03 2014

Source: <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#dangerous-trees-and-branches>

- 2 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.