

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

REF NO: BR/149/19/T

LOCATION: 38 Highland Avenue
Bognor Regis
PO21 4BJ

PROPOSAL: Crown reduction by 2m to 1 No. Sycamore tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located at the end of the garden
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.
None.	

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council
No objection.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree officers comments:

Sycamore / Acer pseudoplatanus Approx. height: 18m Average spread: 7m Age class: Early mature
This tree appears to be outwardly healthy and stable with a relatively unmodified and attractive crown profile.

It grows on the north aspect of a mixed group of deciduous/evergreen trees. It is clearly the specimen of outstanding value and is visible from adjacent properties.

A fine example of its type with growth potential and adequate room for it to thrive. It has done so, despite the partial raising of soil level around its base.

It grows at sufficient distance from dwellings and other built structures so as not to present unreasonable

or intolerable level of seasonal influence (shading, leaf/seed dispersal, honeydew deposit) or risk of structural damage.

Conclusions:

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

This tree has moderate-high growth potential but is ideally located - occupying a position on the periphery of deep gardens and at a distance from residential dwellings that is likely to be harmonious and complimentary throughout its anticipated lifespan.

There is limited public view of this tree at present, but this will increase if the tree is left to develop naturally and especially so if adjacent trees with less potential are removed - providing a significant long-term amenity. It is unusual for such a tree to enjoy the room to develop in a residential setting with no foreseeable threat of above/below-ground interference and is an ideal candidate to become a future landmark tree of considerable age and stature.

Recommendations:

I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Within the Built-Up Area Boundary

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 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), 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.