

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

REF NO: FG/122/21/T

LOCATION: 258 Goring Way
Ferring
BN12 5BZ

PROPOSAL: 1 No. Holm Oak - reduce height to 12.5m, reduce radial spread on western to 4m and eastern canopy to 7m

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located at 258 Goring Way, Ferring.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FG/21/14/PDH	Notification under extended permitted development rights for rear extension extending beyond rear wall by 5 m, with a maximum height of 3.97m & eaves height at 2.785m	No Objection 27-03-14
FG/60/20/T	Crown reduction to 1 No. Ilex Oak tree to height 25m and spread 20m.	Refused 21-07-20
FG/56/15/T	Reduce canopy by 20% overall by pruning back branches to suitable grow points by a maximum of 3m to 1No. Ilex Oak.	ApproveConditionally 09-06-15
FG/13/13/T	Raise canopy to 3.5m, remove dead and crossing branches, cut back branches from house/roof to obtain 2m clearance, reduce longest branches by up to 1m to 1 No Holm Oak tree (resubmission following FG/168/12/T)	ApproveConditionally 22-03-13
FG/168/12/T	Crown lift; raise canopy to 5 metres all round, cut back 2 metres, remove large branches by up to 1 metre and	Refused 11-01-13

remove deadwood to 1No Holm Oak.

Relevant planning history noted.

REPRESENTATIONS

Ferring Parish Council - Object.

Ferring Conservation Group - Object.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments:

Outwardly and from a distance this tree appears to be healthy and stable with an attractive crown profile. The limb framework is asymmetric (strong influence of prevailing wind?) and there is a slight horizontal separation of the profile on its east aspect, which seems indicative of heavy, low arching and ultimately pendulous limbs/branches - over the neighbouring property (256).

The tree is prominent and can be clearly seen from numerous residential properties and to users of the busy public highway (footway and carriageway). As such, it has high public amenity value. It dominates the front/side aspect of both 256 & 258 and seasonal nuisance for those dwellings can be regarded as moderate-high.

The applicant is seeking to re-shape the crown (by reducing height and spread on E & W aspects). The extent of proposed crown volume loss is approximately 40%.

Conclusions:

The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. While a degree of containment pruning is a reasonable proposition, initiating such work needs to be done sympathetically so as not to unduly harm its ongoing health and vitality.

The extent of tree pruning (crown volume loss) 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.

Recommendations:

As it stands, I recommend REFUSAL for this application.

I would like the applicant to be invited to agree to a revised proposal for lesser works (such as described below) as part of the current application so as not to incur further delay. Such work would go some way to addressing their concerns whilst preventing a diminution of the tree's landscape and public amenity value:

- Reduce height of tree (T1 holm oak) by approximately 1metre leaving a minimum of 14m top height.
- Reduce radial spread on West aspect by approximately 1metre, leaving a minimum of 5metres when measured from the centre of main stem.
- Reduce radial spread on East aspect by approximately 2metres, leaving a minimum of 8metres when measured from the centre of main stem.

If the applicant is prepared to re-submit in line with this advice, then I would be able to recommend APPROVAL subject to the following condition:

Condition to Be Applied to Approved Work: -

Part a) Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010

Part b) Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interests of the tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

See also the standard pruning guidance notes issued with the consent letter.

Advisory:

The long-term vitality of this tree is best respected when significant pruning work such as proposed, is undertaken during mid to late winter (January or February). The work should only be undertaken during that period.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built-Up Area Boundary

Tree Preservation Orders

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 be weighed in the balance with the Development Plan.

CONCLUSIONS

Following comments from 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 extent of tree pruning (crown volume loss) 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.