

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

REF NO: FG/130/18/T

LOCATION: 166 Littlehampton Road
Ferring
Worthing
BN12 6PH

PROPOSAL: 1 x Hornbeam tree - Crown thinning by 30% on 59 Ferring Lane side & crown lifting to 6m above ground on 59 Ferring Lane side only

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at 166 Littlehampton Road, Ferring.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FG/29/67	Double Garage	ApproveConditionally 19-04-67
FG/36/14/T	Various surgery to 2 No Hornbeam trees and 2 No Ash trees	Refused 19-05-14
FG/84/12/T	Crown lift to a height of 5m & reduce crown by 30% 1 no. Hornbeam tree, Reduce crown by 30% & cut back away from garage roof by 3m 1 no. Ash tree, remove large limb & re-shape by 1m 1 no. Hornbeam tree & remove large limb & reduce remaining crown by 30% to 1 no. Ash tree	Refused 03-08-12
FG/5/07/T	Lift Crown, thin and remove dead wood of 1 no. Ash Tree and 1 no. Hornbeam tree.	ApproveConditionally 07-03-07
FG/72/00/T	Reduce crown & thin 2 Hornbeam & 2 Ash trees. Lift crown on 1 Ash tree and reshape holly.	ApproveConditionally 21-08-00

Relevant planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Parish Council - No response.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer -

Hornbeam *Carpinus betulus* - Height: Approx. 12m - Average Spread: 5.5m - Age: Mature

- This tree appears to possess good vitality and be structurally sound. It has an attractive crown profile despite fading evidence of historic 'lopping' of limbs low on its east aspect, which may well explain a discreet area of branch congestion that is beyond remedial pruning.

- It occupies a prominent position at the north end of an established linear native tree group. There are several visually important hornbeam trees throughout this group. As a group feature they are highly visible to vehicle and pedestrian traffic. They also dominate the outlook from adjacent properties but appear to have been well respected and subject only to careful management.

- This tree has low to moderate growth potential and despite report of substantive growth in recent years is unlikely to become much larger in height or spread.

- The applicant seeks to improve ambient light levels onto the property during the afternoon/evening and reduce the quantity of leaf fall.

Conclusions:

- Although seasonal nuisance and shading from trees can be a genuine concern; in isolation they are not sufficient reasons to justify the work proposed and must be tolerated if we are all to enjoy the wider benefits of quality trees in our urban environment.

- Overhead clearance above the applicant's property is at the upper limit of what is recommended in respect of the tree's ongoing health and vitality. Crown lifting to the extent proposed would not comply with the requirements of British Standard 3998:2010 - Tree Work

- Crown thinning work rarely provides a benefit to the tree and often only a short-term increase in light levels. It can also drastically alter tree dynamics and natural defences against wind pressure. The sudden exposure of central crown areas to such winds can result in significant damage, especially if undertaken to the extent proposed.

- It is at a distance from the applicant's dwelling that permits its existence in harmony throughout its anticipated lifespan if managed sympathetically and without recourse to high volume pruning.

- The tree is a notable 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 reduction of the tree's landscape

impact and undue detriment to the visual amenities of the locality.

Recommendations:

- I recommend REFUSAL for this application.

Advisory:

- Were the applicant to submit a new application with the following work specification; this would be acceptable and may reduce the oppressive effect from branches growing directly toward the dwelling:

- Reduce lateral extent of branches on east aspect only, by no more than 2metres.

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 Tree Officers comment, it is recommended that 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

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 notable 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 reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.
- 2 **INFORMATIVE:**
 - Were the applicant to submit a new application with the following work specification; this would be acceptable and may reduce the oppressive effect from branches growing directly toward the dwelling:
 - Reduce lateral extent of branches on east aspect only, by no more than 2metres.