

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

REF NO: FG/168/12/T

LOCATION: Sea Lane Cottage
258 Goring Way
Ferring

PROPOSAL: Crown lift; raise canopy to 5 metres all round, cut back 2 metres, remove large branches by up to 1 metre and remove deadwood to 1No Holm Oak.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	n/a
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	Holm Oak subject of the application.
BOUNDARY TREATMENT	Hedging to front.
SITE CHARACTERISTICS	Detached single storey dwelling.
CHARACTER OF LOCALITY	Residential. Tree lined highway.

RELEVANT SITE HISTORY

FG/15/83/T	Pruning to balance and shape tree - one ilex oak	Approve Conditionally 02-03-1983
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REPRESENTATIONS

Representations received:

Ferring Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

COUNCILS ARBORIST:

The Evergreen Oak is clearly visible from the highway providing a good and prominent feature. Part of its beauty is that the crown retains a low canopy. Raising the crown to 5m would detract from its otherwise natural appearance. For practical purposes and for reasons of access there is a need to raise the crown to a moderate degree of 3.5m where light foliage above should be

retained. The reduction back of the crown sides from both properties in order to remove encroachment from the aerial and roof is justified and the maximum branch lengths as stated in the application at 2m should not be exceed. The application refers to reducing large branches by 1m but this is vague and nonspecific.

The proposed 5m crown lift is excessive and the 1m reduction of branches by up to 1 metre is nonspecific (which branches?) and therefore consent should be refused for these operations. However the Crown reduction of 2m from the property sides (north side) is acceptable and should be carried out in accordance with BS3998 (2010) where a specific Planning Condition should be applicable

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

XXX1	Circular 36/78
XXX2	DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPOs, 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

The proposed works to cut back the tree clear of the dwelling are considered to be acceptable, however raising the canopy to 5 metres is excessive, as it would detract from the natural shape and appearance of the tree which currently adds significant value to the street scene. Also the works to reduce large branches by up to 1 metre is not specific and also unacceptable. It is therefore recommended that the application be refused and re-submitted in accordance with the recommendations for work by the Councils Arborist.

RECOMMENDATION

REFUSE

- 1 The Holm Oak tree makes a significant contribution to the character of the area and the canopy raise of 5 metres would detract from its visual quality and natural appearance. It is not considered that the justification provided outweighs the harm to the trees, the proposal is therefore detrimental to the visual amenities of the locality.

- 2 Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.