

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

REF NO: FG/174/18/T

LOCATION: 17 Chalet Road
Ferring
West Sussex
BN12 5PB

PROPOSAL: Fell 1No. Monterey Pine. Replant with native species.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located in the rear garden.
SITE CHARACTERISTICS	Dwelling with garden to front and rear.
CHARACTER OF LOCALITY	Residential area.
History noted.	

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Ferring Parish Council

Ferring Parish Council:

Objection received from Ferring Parish Council.

- On the basis that this tree does not look to be in danger of falling and should not be felled.

2 letters of Objection from nearby occupiers, including an objection from Ferring Conservation Group:

- Magnificent tree.
- Splendid feature for probably hundreds of years.
- Important contribution to the amenity of the area.
- Ferring has lost too many of these valuable trees

3 letters of support from nearby occupiers:

- Very large tree that can grow a great deal higher and broader, blocks out afternoon sun.
- Needles block gutters and drains.
- Roots have damaged fence, lifting the concrete gravel boards and the fence panels above them.

COMMENTS ON REPRESENTATIONS RECEIVED:

Applicant has written a letter explaining their concern's with regard to the safety of the tree.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

- This is a large tree with a wide spreading crown which overhangs the garden of several neighbouring dwellings.
- It appears to be stable but under some physiological stress, evidenced by localised branch death and decline. Some of these areas of decline are relatively large and would undoubtedly be cause for concern. Crown density is generally moderate to good but low in localised areas.
- There is some evidence of needle disease (probably caused by fungal infection) for which there is no practical remedy at this location. This may be progressive and ultimately weaken the tree such that it becomes unviable for long-term retention.
- This is a large and prominent tree; a major constituent of the high canopy in this locality. It grows from the rear of the property and can be seen from adjacent properties and the public highway.
- The removal of dead branches is an exception and does not require permission.

Conclusions:

- This is a significant landscape tree and so despite its aesthetic value being slightly compromised; should be subject to careful management that respects its age and vulnerability to environmental changes and disease progression until such time as it becomes so unattractive and/or strongly asymmetric in form to justify its removal.
- The tree work proposed in the application has not been justified on arboricultural grounds. The removal of dead limbs/branches will visibly denude the overall crown, but the outer crown profile should remain attractive enough and remaining volume of limb/branch framework be sufficient to justify the tree's retention at this time.

Recommendations:

- I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

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 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 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.