

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

**REF NO:** FG/217/21/T

**LOCATION:** 1 Sea Lane Close  
Ferring  
BN12 5DT

**PROPOSAL:** 1 No. Macracarpa tree (T1)- Remove damaged major lower N/E limb back to trunk. Reduce lower northern limb by 3m to give adequate distance from highway. Reduce radial spread by 2m, reduce overall spread from 14m to 10m. Crown lift to 5m. Deadwood canopy and remove any damaged branches.

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| <b>SITE AND SURROUNDINGS</b> |
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| DESCRIPTION OF APPLICATION    | As above.                                                      |
| TREES                         | 1 No. Macracarpa tree in the front garden of 1 Sea Lane Close. |
| SITE CHARACTERISTICS          | Residential.                                                   |
| CHARACTER OF LOCALITY         | Residential.                                                   |
| No relevant planning history. |                                                                |

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| <b>REPRESENTATIONS</b> |
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Ferring Parish Council - Objection:

The Parish Council agrees with reducing radial spread to north by 2m but not to reducing overall spread from 14m to 10m that would be damaging to tree. Crown lift to 5 is excessive and 3 to 4m would be acceptable. Removing deadwood and dangerous branches can normally be carried out without permission. In summary, Ferring Parish Council objects to this application and to the reducing of overall crown spread and crown lifting to 5m as being excessive and damaging.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

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| <b>CONSULTATIONS</b> |
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**CONSULTATION RESPONSES RECEIVED:**

Arun District Council - Tree Officer comments:

- This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression.

- The removal of low branches to achieve 5m clearance above ground level on all aspects has not been justified on arboricultural grounds and exceeds that which is recommended in the British Standard

(BS3998:2010) Tree work - Recommendations.

- Adequate clearance of public highway and removal of hazardous material can be achieved by undertaking limited works under the exception that the removal of dead or imminently dangerous branches (such as those that are longitudinally split through - 'hazard beam') does not require planning consent, although in respect of the latter those undertaking are required to notify this authority at the earliest opportunity

and works should only be to the extent that the immediate threat to person(s) or property is abated. Any work desired beyond that which is absolutely necessary requires a formal application.

- Whole crown reduction pruning has not been justified on arboricultural grounds in my opinion. The extent of property and public highway overhang is not obviously problematic where adequate overhead clearance exists and it contributes to visual amenity.

- The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. Elements of tree surgery within the proposal that do not qualify as an exception would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.

Conclusions - Refusal.

## COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

### POLICY CONTEXT

Built-up Area Boundary.

TPO.

### 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

Having regard to comments from Ferring Parish Council and the ADC Tree Officer, this application shall 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

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 appears to be in an adequately sound and healthy condition. Elements of the proposed works result in the excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.