

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

REF NO: FG/44/20/T

LOCATION: 18a Ocean Drive
Ferring
BN12 5GJ

PROPOSAL: Reduce 4 No. Pine trees on East aspect by approx. 3m to growth points.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree is situated on the site of 18a Ocean Drive Ferring
SITE CHARACTERISTICS	Residential
CHARACTER OF LOCALITY	Dwelling

RELEVANT SITE HISTORY

FG/85/20/HH Garden outbuilding.

Relevant Planning history noted.

REPRESENTATIONS

Find it a very vague in description of works and would prefer to read a more concise specification that relates to BS 3998:2010 Tree work - Recommendations. The trees being mature and not likely to become larger need only light pruning where overhanging garden are becoming intrusive and lifting low branches to a maximum height of 3 metres. We hope the Arun DC Tree Officer sees it in the same light and recommends lesser work.

Representation from nearby occupiers:

3 Objections

Concerned that the loss of the trees will affect the drainage of the area

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

The applicant has employed Richard Moore Tree Surgery as agent, to prepare and submit the application. This appears to be well-intended but lacks the necessary detail to achieve a confident

interpretation from site.

- No individual trees are identified by unique reference or accurately plotted on a sufficiently detailed plan, such that we cannot be sure which trees are subject of the proposal. Furthermore, the work specification is the same for all four trees, that have different limb/branch architecture and extent of lateral spread. A work specification should accurately detail the crown spread to remain post-pruning, so that all interested parties are in doubt as to the extent of permitted work.

- The pruning of pine trees should be selective and limited due to their intolerance of hard pruning and inability to produce new growth readily from older wood. These are established trees of significant public amenity and landscape value which help to define the character of this estate and so demand sympathetic management. Any tree work application will need to include specific work proposals for each tree and arboricultural justification for the same.

- All trees in G3 appear to be on 3rd party land and not wholly in the ownership of any adjacent property.

- The six pine within G3 appear outwardly to be in a fine physiological state. Their form is erratic and probably associated with strong coastal influence and historic incidents of gale damage.

- Several low/mid-height limbs and branches are growing to dominate rear gardens of 18a-18c. A degree of property overhang is both necessary and desirable to ensure those trees retain visual amenity. A balance can be struck between that important aim and to ensure reasonable enjoyment of adjacent dwellings/gardens, although I find this work proposal excessive and open to interpretation.

Conclusions:

- These trees require careful management that respects their age and vulnerability to environmental changes and disease progression.

- The applicant proposes a potential 3metre reduction of lateral spread for each tree. If the full extent of meterage is applied, that would exceed the recommendations in British Standard 3998:2010 - Tree Work and cause decline of some of those limbs/branches.

- The trees are a significant feature in the local landscape and appear to be in adequately sound and healthy condition. The tree surgery proposed in the application could result in undue detriment to the visual amenities of the locality.

Recommendations:

- I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built up Area Boundary

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

PLANNING POLICY 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/are no other material considerations to be weighed in the balance with the Development Plan.

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 trees are 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 trees landscape impact and undue detriment to the visual amenities of the locality