

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

REF NO: FP/127/20/T

LOCATION: 12 Grafton Avenue
Bognor Regis
West Sussex
PO22 6AR

PROPOSAL: Fell 2 No. Taxus - T1 and T2

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees are located in the grounds of 12 Grafton Avenue.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

No relevant site history.

REPRESENTATIONS

Felpham Parish Council:
Objection on grounds of insufficient plans and a lack of photographs that are included in the application form.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Tree officer comments:
T1 & T2 Yew / Taxus baccata Height: 5-10m Spread: 0-5m Age class: Early mature

- I have considered this application by means of a desktop review, using the plan and photos submitted as well as online resources.
- The applicant currently has a valid Approval (subject to conditions) for specified reduction in height and crown spread of both trees, under planning reference FP/49/20/T.
- Outwardly and from a distance both trees appeared to be in a fine physiological state (insp. May 2020), albeit with a heavily modified crown - the upper part visible from the road and displaying a balanced, compact profile.
- Historic reduction pruning has diminished their landscape value, but they are long-established and remain visible from surrounding properties and in part to traffic accessing/exiting this part of the estate.

As such, they have public amenity value.

Conclusion:

· Evidence must accompany an application where an allegation of damage to property is made. No evidence (such as a written technical report) has been provided in support of the stated reasons and despite the applicant stating to have done so.

Recommendation:

· I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Within the Built Up Area Boundary
Tree Preservation Orders

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

CONCLUSIONS

Following the comments of Arun's Arboriculturist it is recommended this application 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 In the absence of expert arboricultural advice to demonstrate the damage to property the loss of the trees would cause harm to the amenity of the local area.