

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

REF NO: FP/142/20/T

LOCATION: 8 Ceres Place
Felpham
PO22 7RG

PROPOSAL: Fell 1 No. Sycamore (T1)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 8 Ceres Place.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/238/17/T	Remove lower branches of 1No. Sycamore by 3m	Inc Docs Ret'nd 17-11-17
FP/139/17/T	Remove lower branches by 1m & crown thin by 20% to 1 No Sycamore tree.	ApproveConditionally 17-08-17
FP/133/17/T	5m crown lift to 1 No. Sycamore.	Refused 17-08-17
FP/22/13/T	Fell 2 No. Sycamore trees	Refused 04-04-13 Appeal: Dismissed 08-11-13
FP/150/08/T	Prune limbs of 1no. Sycamore tree on north side to give a reduction of 3m	ApproveConditionally 23-09-08
FP/98/04/CLE	Application for a Certificate of Lawfulness for exisiting use as a single dwelling	Inc Docs Ret'nd 05-05-04

FP/237/03/	Application for continuance of use without compliance with condition 5 imposed on planning permission FP/292/87 for extension to form accommodation for dependant relative	Refused 23-01-04 Appeal: Non Determined 06-12-04
FP/205/02/T	Pollard or crown one Sycamore tree and fell one Pine tree.	ApproveConditionally 22-11-02
FP/9/01/T	General tidying of branches of 8 trees in rear garden and possible topping of one Scots Pine.	ApproveConditionally 16-03-01
FP/199/90	First floor extension	Refused 15-04-91 Appeal: Dismissed 10-09-91
FP/292/87	Extension to form accommodation for dependent relative	ApproveConditionally 14-03-88

Relevant planning history noted.

REPRESENTATIONS

Objection from Parish Council - Tree warden advises that tree only needs loping and trimming, felling isn't necessary for a healthy tree.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

This tree appears to be outwardly healthy and stable with a relatively unmodified and attractive crown profile arising from co-dominant stems.

It is visible from surrounding properties and in part to users of the public highway (footway and carriageway); a minor yet important constituent of an established line of mature trees which help define the character of the area and collectively represent a significant public amenity.

A report from a Chartered Surveyor describes damage as limited to the brick patio and an Arborist has investigated/identified a problem root from the sycamore, likely to be a contributing factor in the damage event.

Conclusions:

The applicant has implicated this tree in damage to the brick patio, which is severely disrupted at its

leading edge (nearest the tree) but otherwise appearing to be in a good state. We have not been made aware of any further attempt to repair (or investigate precise cause/nature of) the damage or importantly propose an alternative landscape/engineering solution that would permit retention of this tree in greater harmony with its surroundings.

The condition of brick patio could be restored to original condition without recourse to felling of this tree or incurring unreasonable expense.

Although proximity of tree roots to single-storey structures can often be a genuine concern, no evidence has been submitted that would implicate this tree in such a damage event or suggest it has a foreseeable risk of doing so.

Recommendations:

I recommend REFUSAL for this application.

Advisory:

I advise a narrow (<300mm wide) exploratory excavation be attempted adjacent the edge of the brick patio, to a minimum depth sufficient to determine the depth of sub-base. Any problematic root material (>25mm diameter) closely associated with the damage event could be removed at that time, under supervision and in agreement with the local planning authority's Tree Officer. Note: All parts (above and below ground) of the tree are similarly protected by the existing Order (TPO).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.

Tree preservation order.

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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 comments from the tree officer, it is recommended consent be refused subject to the following informatives.

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 There is no arboricultural reason for the tree to be felled and its felling would detract from the amenities of the locality.