

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

REF NO: FP/165/21/T

LOCATION: 44 Downview Road
Felpham
PO22 8HH

PROPOSAL: (T1) Crown reduction to 1 No. Copper Beech Tree to a height of 18 metres and a spread of 15 metres.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located at 44 Downview Road, Felpham.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/147/21/T	1 No. Copper Beech tree (T1) - Reduce lateral limbs on south aspect to leave a spread of 4-5m	Withdrawn 22-07-21
FP/94/17/HH	Single storey porch extension.	ApproveConditionally 31-05-17
FP/233/08/	Rear single storey outbuilding	ApproveConditionally 19-01-09
FP/154/05/	Rear two storey extension and covered garden area	ApproveConditionally 21-09-05

Relevant planning history noted.

REPRESENTATIONS

Felpham Parish Council - No Objection.
No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

At time of inspection, I was unable to gain access to rear of either 44 or 46 so am reliant on aerial photograph (2018) to understand the tree's situation relative to dwellings and the agent to provide any necessary details of comprehensive tree assessment.

Outwardly and from a distance (roadside) this tree appears to be in a fine physiological state and assumed to be so in the absence of any evidence provided to the contrary. It has a full and visually impressive crown. It can be clearly seen from surrounding properties and by users of the public highway (footway and carriageway). It is likely to be a tree of high public amenity value.

Conclusions:

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

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 has not been justified on arboricultural grounds and would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.

Recommendation:

I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built-Up Area Boundary
2km Buffer for Site of Special Scientific Interest
Tree Preservation Orders

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

PLEASE ENSURE THAT THIS TEXT IS RELEVANT TO THE DEVELOPMENT BEING PROPOSED.

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

Following 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 has not been justified on arboricultural grounds and would result in excessive reduction of the tree's landscape impact

and undue detriment to the visual amenities of the locality.