

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

REF NO: FP/166/21/T

LOCATION: The Ridings
4A Wedgwood Road
Felpham
PO22 7JF

PROPOSAL: English oak (T1) Remove lowest branch, cutting back to boundary line of 6 Wedgewood Road.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at The Ridings, 4A Wedgwood Road.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/241/05/T	Topping and lopping of seven oak trees	ApproveConditionally 09-12-05
FP/168/00/T	Works to four Oak trees	ApproveConditionally 23-11-00
FP/125/94/T	Lopping overhanging branches and make tidy 6 oak trees	ApproveConditionally 21-10-94

Relevant planning history noted.

REPRESENTATIONS

No objection from the Parish Council.

1 letter of objection:-

The application is flawed on 2 counts.

1 The applicant in section two is then later referred to as the owner of the tree in section 6 but residing at a different address, ie "The Ridings". The Ridings are part of the deceased estate belonging to Mr D and

Mrs G Blundell which is currently being sold by Bay Tree Estates to people living in Sutton.

2 The tree is on land not owned by the applicant nor the the owner of "The Ridings" but on land over which Arun District Council and Portsmouth Water have interests, being land set aside for excess surface water drainage should the drainage pipe below this ground be blocked.

The sketch plan shows this quite clearly with boundaries shown for the properties of "The Ridings" and 6 Wedgwood Road although no boundary fence has been erected parallel to this ditch on the property of 6 Wedgwood Road. This is evident in the photograph.

The branch or bough in question leaves the trunk of the tree some 4 feet from the ground and extends some 30 feet to the top of the tree forming perhaps a fifth of the canopy. The loss of such a large part of the tree would make the tree an odd shape and aesthetically unpleasant for the neighbourhood.

The wound left after the the removal of the branch would leave a scar on the trunk of some if not more than 18 inches in diameter potentially damaging to the future healthy growth of the tree.

The branch causes no obvious nor future hazard to the land it crosses.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Outwardly and from restricted view (rear garden of 6 Wedgwood Road) this tree appears to be in a fine physiological state. It has previously been the subject of crown reduction pruning (the last operation approved January 2019) and consequently slightly diminished, although remains an important constituent of a linear oak group which represents a significant visual amenity.

The history of crown reduction pruning has limited its influence over surrounding properties and is an adequate form of containment.

This latest application seeks to remove a large limb, almost back to the main stem. The limb has a rope ligature within a few metres of its attachment to the main stem, becoming occluded, although not obviously to its detriment at this time.

Conclusions:

Limb removal would ultimately create a large wound near the main stem with potentially serious implications for the tree's long-term health and vitality and would not comply with British Standard 3998:2010 Tree Work-Recommendations.

The tree is a long-established and significant feature in the local landscape and appears to be in adequately sound and healthy condition, despite recent history of frequent crown reduction pruning. The tree surgery proposed in the application would further diminish crown volume potential and could result in a 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.

Tree preservation order.

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 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 Limb removal would ultimately create a large wound near the main stem with potentially serious implications for the tree's long-term health and vitality and would not comply with British Standard 3998:2010 Tree Work-Recommendations.

The tree is a long-established and significant feature in the local landscape and appears to be in adequately sound and healthy condition, despite recent history of frequent crown reduction pruning. The tree surgery would further diminish crown volume potential and could result in a reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.