

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

REF NO: FP/173/21/T

LOCATION: 74 Outerwyke Road
Felpham
PO22 8LT

PROPOSAL: 1 No Macaropa tree - Reduce canopy to height no less than 16m and spread no less than 12m and Crown Lift to approx 6.5m-7m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located at 74 Outerwyke Road, Felpham.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/238/18/T	Crown lift to 5 m including removing 4 lowest secondary growth to 1No. Macrocarpa tree.	ApproveConditionally 09-01-19
FP/94/02/	Two storey extension to side to form garage/carport with bedrooms & bathroom over	ApproveConditionally 04-07-02
FP/74/01/	Addition of single storey garage adjoining property	ApproveConditionally 08-06-01
FP/117/92	Outline application for one detached single storey dwelling with double garage	ApproveConditionally 09-09-92
FP/75/93	Details in pursuance of FP/117/92 for erection of one detached single storey dwelling (bungalow) and double garage	ApproveConditionally 11-08-93

Relevant planning history noted.

REPRESENTATIONS

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

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments:

Outwardly and from a distance (roadside) this tree appears to be in a fair physiological state with a visually impressive (unmodified upper-) crown profile. Localised tip dieback of scattered branches symptomatic of fungal canker (*Seiridium cardinale*) and typical of large, aged specimens of this type. Several split and hanging branches, also characteristic of type and not obviously problematic for the tree's longer-term prospects.

It is prominent at the front of the property; highly visible from numerous properties and to users of the public highway (footway and carriageway). As such, it has high amenity value.

The applicant seeks overall crown reduction pruning, a substantial operation to any extent yet no reasons given for that work. I see no obvious justification for same.

Overhead clearance is for the most part adequate, although some long-term clearance of the carriageway and driveway is either necessary or desirable. Low branches have encroached into the adjacent public footway and carriageway, at a height which may obstruct safe passage. The removal of such material qualifies as an exception from the normal application process.

The proposed removal of crossing/rubbing branches is considered good practice where it seeks to prevent/limit the presence of abrasion wounds that might facilitate ingress of harmful decay fungi or induce failure.

Conclusions:

This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression. The removal of low branches to achieve 7m clearance above ground level is not justified on arboricultural grounds and (for a tree of this size and crown height) exceeds that which is recommended in the British Standard (BS3998:2010) Tree work - Recommendations.

Crown reduction has not been justified on arboricultural grounds.

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 would result in reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.

Recommendation:

I recommend REFUSAL for this application.

Advisory:

Under the terms of the exception, it would be acceptable at this location to prune to achieve a maximum of 2.5metres and 5.2metres overhead clearance above the footway/driveway and carriageway respectively. It is important not to exceed those measurements, to do so would constitute unauthorised work.

The removal of dangerous branches, such as those which are split and present an immediate risk of

serious harm to persons or property, is an exception. The work undertaken must only be enough to remove that risk.

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:**

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 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 would result in reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.
- 2 **INFORMATIVE:** Under the terms of the exception, it would be acceptable at this location to prune to achieve a maximum of 2.5metres and 5.2metres overhead clearance above the footway/driveway and carriageway respectively. It is important not to exceed those measurements, to do so would constitute unauthorised work.

The removal of dangerous branches, such as those which are split and present an immediate risk of serious harm to persons or property, is an exception. The work undertaken must only be enough to remove that risk.