

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

REF NO: FP/182/21/T

LOCATION: 11A Outerwyke Avenue
Felpham
PO22 8JH

PROPOSAL: 1 No. Turkey Oak - reduce limbs by 3m to leave 5m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located at 11A Outerwyke Avenue, Felpham.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/209/08/T	T1 (Oak) crown thinning by 15% and crown lifting to 3 metres, T2 (Oak) crown lifting to 4 metres.	ApproveConditionally 05-12-08
FP/161/02/T	Prune, shape, remove dead wood in crown and reduce spread by 30% of 1 Oak tree.	ApproveConditionally 09-10-02
FP/193/13/T	Crown lift to a maximum height above ground of 3m. Crown reduction and reshape the crown overall by removing 1m of height and spread.	ApproveConditionally 23-12-13

Relevant planning history noted.

REPRESENTATIONS

No Comments from the Parish Council.
No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

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 presents an attractive crown profile seen from numerous properties and by users of the public highway (footway and carriageway). As such, it has high amenity value.

A long-established tree that grows at the front of the property and close to the dwelling (11A). It dominates half of the front garden and is probably impacting on the fabric of the building. I assume this is the reason for the application although none were given.

The extent of crown reduction being sought is approximately -60% of crown volume. In the absence of any overriding and proven safety issue or damage event, such a drastic operation fails to meet the requirements of British Standard 3998:2010 Tree Work - Recommendations.

Conclusions:

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

The proposal to reduce both height and lateral spread on all aspects by 3m respectively does not comply with 'British Standard (BS3998:2010) Tree work - Recommendations' and would be likely to result in harm to the health and vitality of the tree with large pruning wounds being formed as well as undermining its visual amenity value and impact in the landscape.

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:

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 This application has been refused due to the proposal to reduce both height and lateral spread on all aspects by 3m respectively does not comply with 'British Standard (BS3998:2010) Tree work - Recommendations' and would be likely to result in harm to the health and vitality of the tree with large pruning wounds being formed as well as undermining its visual amenity value and impact in the landscape.