

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

REF NO: FP/31/20/T

LOCATION: 5 The Midway  
Felpham  
PO22 7EZ

PROPOSAL: Remove lower left limb going towards 19 The Grove on the North side and remove lower right limb on south side going over 7 The Midway on 1 No. Monterey Cypress tree.

**SITE AND SURROUNDINGS**

|                            |                                                          |
|----------------------------|----------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above                                                 |
| TREES                      | The tree is situated on the site of 5 The Midway Felpham |
| SITE CHARACTERISTICS       | Residential                                              |
| CHARACTER OF LOCALITY      | Dwelling                                                 |

**RELEVANT SITE HISTORY**

|              |                                                           |                                  |
|--------------|-----------------------------------------------------------|----------------------------------|
| FP/138/97    | Conservatory & conversion of covered area to utility room | ApproveConditionally<br>07-11-97 |
| PE/FP/113/96 | .....                                                     | No Further Actn<br>18-11-96      |
| FP/5/93      | Detached Garage                                           | ApproveConditionally<br>26-02-93 |

Relevant planning history noted

**REPRESENTATIONS**

**REPRESENTATIONS RECEIVED:**

Felpham Parish Council

Object - as work has already taken place without permission - Tree Wardens viewed, the work has been done very unsympathetically in their opinion. Reported to Finlay Gardner - Officer at ADC.

No representation from nearby occupiers

#### COMMENTS ON REPRESENTATIONS RECEIVED:

Outwardly and from a distance this tree appears to be generally stable, free from obvious structural defect and in fair physiological condition at this time. Scattered small branch dieback symptomatic of Seiridium canker, as is typical of this species at such an age.

Recent pruning work has left the tree with a dozen or more pruning wounds (50-150mm diameter) suggesting large branch and limb removal, presumably with the intention of removing deadwood and reducing garden overhang (no.5 The Midway). This has probably been detrimental to the tree's visual impact and new growth at this late stage in the tree's life will be negligible so crown renewal over that aspect is unlikely.

·Remains a visually interesting and important landmark tree, being highly visible from numerous properties and to users of the public highway (footway and carriageway). As such, it has high public amenity value.

#### Conclusions:

- This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression.
- The tree work proposed in the application 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 excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.

#### Recommendations:

- I recommend REFUSAL for this application.

#### CONSULTATIONS

Arboriculturist

#### CONSULTATION RESPONSES RECEIVED:

None

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted

#### POLICY CONTEXT

Built up Area Boundary  
Tree Preservation Order

#### DEVELOPMENT PLAN POLICIES

#### PLANNING POLICY GUIDANCE:

|       |                                    |
|-------|------------------------------------|
| NPPDG | National Design Guide              |
| 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 no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

**CONCLUSIONS**

Following the 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 excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality