

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

REF NO: FP/57/21/T

LOCATION: The Stables
19 The Grove
Felpham
PO22 7EY

PROPOSAL: Fell 1 No. Macracarpa Tree and replacement with 1 No. Liquid Amber Maple.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at The Stables, 19 The Drive.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/256/16/T	Fell 1 No. Oak Tree.	Approve 17-02-17
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Relevant planning history noted.

REPRESENTATIONS

No objection from Parish Council.
No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Outwardly and from a distance (roadside) 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.

This is 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:

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 work proposed would incur a significant loss of visual amenity from 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:**

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

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 work proposed has not been justified on arboricultural grounds and the tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The work proposed would incur a significant loss of visual amenity from the locality.