

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

REF NO: FP/83/22/T

LOCATION: 23 Hedgerow Close  
Felpham  
PO22 8BP

PROPOSAL: 1no. Oak Tree (T1) Reduce low-crown spread on North aspect only by approximately 2metres, to leave 7metres when measured from garden boundary fence line.

1no. Ash Tree (T2) cut back to previous pruning points on North side of canopy to leave height approx. 18m and spread approx. 14m.

|                              |
|------------------------------|
| <b>SITE AND SURROUNDINGS</b> |
|------------------------------|

|                            |                                                                                               |
|----------------------------|-----------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above.                                                                                     |
| TREES                      | The trees are situated to the rear boundary of the dwelling, on the land of 12 Bala Crescent. |
| SITE CHARACTERISTICS       | Dwelling.                                                                                     |
| CHARACTER OF LOCALITY      | Residential.                                                                                  |
| None.                      |                                                                                               |

|                        |
|------------------------|
| <b>REPRESENTATIONS</b> |
|------------------------|

Felpham Parish Council - No Objection:

- Assuming the neighbour who owns the trees is aware and content with this application, the work requested seems appropriate given the substantial size of both trees being situated in a residential area, in addition to them encroaching on the applicant's property.
- There is also a reasonable amount of deadwood in both canopies which they'd recommend was dealt with at the same time as the requested works, to ensure good tree health.

1 letter of No Objection from a nearby occupier:

- The trees the subject of this application are in their garden.
- No objection as long as the works are carried out as per the Tree Officer's proposed revision; in autumn/winter when the trees are dormant and there is less wildlife, as the trees support many nesting birds, squirrels etc; by a properly qualified tree surgeon; and all debris is cleared including any which lands in their garden.
- They would like the applicant to advise the owners of nos. 12 & 14 Bala Crescent of the due date for the works in order that they can keep pets in to ensure they come to no harm.
- They would like to know the name of the tree surgeon who will be doing the works as they intend make application to the Council in due course for appropriate pruning to the trees on their side of the fence.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

Tree Officer

Outwardly and with restricted view from the applicant's garden, these trees appear to be in a fine physiological state and assumed to be so in the absence of any evidence provided to the contrary.

T1 has a lateral spread from boundary fence line of approximately 9metres. The crown is complex in form but presents an attractive profile.

T2 has previously been the subject of whole crown reduction pruning form which it appears to have grown uniformly. Such work will need to be repeated throughout the remaining lifespan of this tree, to achieve a degree of structural integrity appropriate for its location.

These are long-established trees given adequate room during relatively recent development, to be purposefully retained in harmony with surroundings. They add a mature outlook, are dominant in the local landscape being highly visible from numerous properties and to users of the public highway (footway and carriageway).

Conclusions:

T1 Oak - A reduction of low-crown spread to improve garden conditions is reasonable although not to the extent proposed. Pruning to leave only 3 metres would result in large wounds being formed and is potentially harmful to long-term health. I do not support this element of the proposal.

T2 Ash - The work proposal is justified on arboricultural grounds. While a temporary loss of aesthetic value is inevitable, satisfactory canopy renewal and recovery should occur if the work is undertaken to a high standard and at an appropriate time of year.

Recommendation:

As it stands, I am unable to support this application. I would like the applicant to be invited to agree to a revised proposal for lesser works on T1 Oak (such as described below) as part of the current application so as not to incur further delay. Such work would improve conditions whilst preventing a diminution of the tree's landscape and public amenity value:

T1 Oak - Reduce low-crown spread on North aspect only by approximately 2m, to leave 7m when measured from garden boundary fence line.

If the applicant agrees to the above proposal, then I would be able to recommend APPROVAL subject to the following condition.

### COMMENTS ON CONSULTATION RESPONSES:

Agent agreed to revised proposal for lesser works to T1.

## POLICY CONTEXT

Built Up Area Boundary

TPO

2km Buffer for Site of Special Scientific Interest

**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 the comments from the Tree Officer and agreed change of specification with the agent, it is recommended consent be approved, subject to the following conditions and informatives.

**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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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.

|                       |
|-----------------------|
| <b>RECOMMENDATION</b> |
|-----------------------|

#### APPROVE CONDITIONALLY

- 1 Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010

Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

T2 Ash - The removal of crown material which has developed since the last operation must be done sympathetically and with respect to established 'knuckles' so as not to extend beyond the point of origin.

Reasons: In the interests of the trees' continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- 2 **INFORMATIVE:** The long-term health and vitality of trees can be adversely affected by significant pruning. The optimum time for pruning these oak and ash is during the late spring to summer period (May to August).

We are obliged to advise that where trees are situated on land not owned by the applicant the granting of consent by this authority does not by association give permission to undertake such works that require access onto/from that land. Nor does it permit any work to take place beyond the boundary of the applicant's property. Additional permission must first be obtained from the land/tree owner.

- 3 **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 4 **INFORMATIVE:** This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc ) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.