

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

REF NO: P/116/18/T

LOCATION: 97 Harbour View Road
Pagham
PO21 4RJ

PROPOSAL: Fell 1 No. Sycamore tree. Fell 1 No. Ash tree and Crown reduction of 2m to 2 No. Sycamore tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located in the rear garden.
SITE CHARACTERISTICS	Dwelling with gardens to front and rear.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

P/100/18/HH	Single storey rear extension and internal alterations	ApproveConditionally 30-11-18
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History noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

Pagham Parish Council: No objection received from Pagham Parish Council.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

I visited 97 Harbour View Road, Pagham yesterday. The property is currently unoccupied but I was able to identify the individual ash and sycamore trees which are the subjects of this application from the neighbouring property.

I have undertaken a desktop review of the Tree Preservation Order which affects this plot - TPO/P/1/91, ref. 3/127/91. None of the aforementioned trees are listed on the schedule or shown on any map. It seems clear that our consent to carry out the proposed work is not required.

My recommendation is that the applicant be advised to proceed without further recourse to this Authority.

COMMENTS ON CONSULTATION RESPONSES:

Following advice from the Tree Officer, it would appear the trees forming part of this application are not protected from a Tree Preservation Order.

DEVELOPMENT PLAN POLICES

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 warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Following comments from the Tree Officer it is recommended consent be approved, it would appear that the trees are not protected by a Tree Preservation Order and therefore consent is not required.

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.

RECOMMENDATION

APPROVE

- 1 **INFORMATIVE:**
The tree forming part of this application does not appear to be Protected by a Tree Preservation Order and therefore consent for these works are not required from the Local Planning Authority.