

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

REF NO: P/171/25/T

LOCATION: Grass verge adjacent to 24 Spinnaker View  
Pagham  
PO21 3FL

PROPOSAL: Crown reduction to 1 No. Lombard Poplar (T1) to leave a height of 12m and remove 3 lowest limbs.

**SITE AND SURROUNDINGS**

|                            |                                                                                                  |
|----------------------------|--------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above.                                                                                        |
| TREES                      | The tree outlined in this application is located at a grass verge adjacent to 24 Spinnaker View. |
| SITE CHARACTERISTICS       | Grass verge.                                                                                     |
| CHARACTER OF LOCALITY      | Residential.                                                                                     |

No relevant planning history.

**REPRESENTATIONS**

Pagham Parish Council - No objection.

No representations were received from nearby occupiers.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:**

**TREE OFFICER**

This is a large, prominent tree in the local landscape; purposefully retained as part of the recent residential development of Spinnaker View and successfully accommodated within the layout.

The tree appears healthy and sound and assumed to be so in the absence of any evidence to the contrary. It has a largely unmodified crown so presents an attractive profile. The main stem is partly obscured by ivy growth. A single detached primary branch has come to rest low in the crown on its north side. There is a historic tear-out wound at mid-height above. I saw no evidence of significant or numerous branch failures, nor has any evidence been provided to support the applicant's assertion.

This proposal is effectively a 'topping' operation rather than crown reduction as defined by the British Standard (3998:2010) and will create large wounds exposing a high proportion of ripe/heartwood to sapwood. This is likely to result in rapid development of decay in the main structures of the tree.

**Conclusions:**

The proposed work 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.

**Recommendation:**

We refuse consent for this application.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

**POLICY CONTEXT**

Tree Preservation Order.

**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**

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.

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, contrary to the NPPF.

## 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

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, in conflict with the NPPF.