

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

REF NO: R/124/19/T

LOCATION: 7 Elm Farm Cottages
Old Manor Road
Rustington
BN16 3FD

PROPOSAL: Reduce crown of 1 No. Silver Birch by 1.2m

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located to the South West corner of the rear garden of the property.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.
None.	

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

My Council has noted the above application and wishes to raise no objection to it, subject to the approval of the local Planning Authority's Arboriculturist.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree officers comments:

Silver birch / Betula pendula Approx. height: 12m Average spread: 4m Age class: Mature

Outwardly and from a distance this tree appears to be in a fine physiological state, with a relatively unmodified and attractive crown profile.

It grows at the rear of the property and can be seen from neighbouring dwellings but has only limited visibility from publicly accessible land.

While clearly the dominant plant in the garden it has a delicate crown of low density foliage characteristic

of its type and does not cast excessive shade over the property.

Conclusions:

The tree is an attractive feature in the local landscape and appears to be in adequately sound and healthy condition. The tree surgery proposed in the application has not been justified on arboricultural grounds and would result in reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.

Recommendations:

I recommend REFUSAL for this application.

Arun District Conservation Area Advisory Panel:

Refer to the Tree Officer.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Within the Built-Up Area Boundary

Tree Preservation Order

Within the Conservation Area

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

CONCLUSIONS

Following the comments of 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.