

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

REF NO: R/5/18/T

LOCATION: 39 Park Drive
Rustington
BN16 3DY

PROPOSAL: Crown reduce 1 No. Cherry plum, 1 No. Hawthorne and 2 No. Robinias by 1.5m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees are situated to the front of the property.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

Rustington Parish Council provided no objection to the proposed works
No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments

T1 Hawthorn
T2 Purple Plum
T3 2X False Acacia

All trees are positioned to the front of the property and are visible to public highway users. The two acacia (T3) are especially prominent and share a crown profile that makes a fine contribution to the

streetscape.

With the exception of T2, all have unmodified crowns and displays good forms and apparent good health. T2 has a multitude of structural defects and history of heavy pruning that cumulatively mean the tree is nearing the end of its useful life expectancy. It therefore possess little amenity value although it certainly has 'character value'. and appears to be in reasonable physiological condition.

The removal of dead branches is an exception and does not require permission.

Conclusions

The two acacia trees (T3) are a significant feature in the local landscape and appear to be adequately sound and healthy condition. The tree surgery proposed in the application would result in unnecessary reduction of the trees landscape impact and undue detriment to the visual amenities of the locality, in conflict with GEN7 of the Arun District Local Plan.

There is no obvious arboricultural justification for the work proposed to T1 and T3. Initiating crown reduction work at this stage of growth would spoil their natural looking form and obligate us to approve repeat works, significantly curtailing their potential amenity value.

I could not in principle object to the work proposed for T2, as I would not object to its removal were that to be applied for. That said, I cannot offer my approval to the bulk of the work proposed in this application and my recommendation below must be made on that basis.

Recommendations

I recommend refusal for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Tree Preservation Order

DEVELOPMENT PLAN POLICES

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 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 that consent is refused for the works proposed in the application.

HUMAN RIGHTS ACT

FOR REFUSAL

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 is considered to be unnecessary and would result in a significant reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality, in conflict with policy GEN7 of the Arun District Local Plan.