

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

REF NO: R/70/20/T

LOCATION: 1 The Oaks
Rustington
BN16 2UP

PROPOSAL: Reduce height of 4 No. Sycamore trees to approx. 13.5m

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree is situated on the site of 1 The Oaks Rustington.
SITE CHARACTERISTICS	Residential.
CHARACTER OF LOCALITY	Dwelling.

RELEVANT SITE HISTORY

AL/62/05/	Two storey side extension and conservatory to rear elevation	ApproveConditionally 29-07-05
AL/87/02/	Two storey side extension Single storey rear extension and detached garage	ApproveConditionally 25-10-02
R/31/11/T	Pollard damaged trunk to one Sycamore. 10% thin of low level branches to one Sycamore close to boundary with neighbour	ApproveConditionally 13-04-11

Relevant planning history noted.

REPRESENTATIONS

No Comment
No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

These trees were observed from the public bridleway immediately west of the property, Jervis Avenue and Preston Paddock. The view of main stems and their unions was severely restricted due to inaccessibility from the west (dense vegetation, ditch and high boundary fencing).

- There appear to be four individual trees, two of which may be twin stemmed. In any case, they are all likely to be constituents of Group8 (TPO/R/2/89). There is evidence of two historic stem failures at height.
- Collectively they represent a significant constituent of a much larger group feature, their high canopy being visible from numerous surrounding properties and to users of the public highway and estate access roads (footway and carriageway) - as such they have amenity value.
- Outwardly and from distance they appear to be in fair physiological condition. Upper crown density is low and typical of other sycamore in same age class and size range, in the immediate locality; suggests prevailing coastal conditions are the dominant factor in their growth/form potential. All appear to have unmodified and visually attractive group/shared crown profile (natural, true to species type) for their setting.

Conclusions:

- These trees are important constituents of an established long line of trees which help define the character of the area and represent a significant public amenity.
- The tree work proposed in the application has not been justified on arboricultural grounds. The health and condition of these trees (incl. reason for recent failure of one stem) has not been detailed in support of the work proposal, rather it is left for us to assume is a response to perceived threat.
- 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.

Recommendations:

- I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built up Area Boundary.
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

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 from 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 trees are a significant feature in the local landscape and appear 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.