

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

REF NO: WA/59/21/T

LOCATION: Oak Bank
Wandleys Lane
Walberton
BN18 0QR

PROPOSAL: Pedunculate Oak - Tree Number 9 Crown reduction by approximately 25%-30%,
Removal of dead wood and reduction of limbs to reduce crown over road.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located at Oak Bank.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

None.

REPRESENTATIONS

No comments from Parish Council.
No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

This magnificent tree (c200years old) appears outwardly to be in a fine physiological state. It has a full and relatively unmodified crown which is visually impressive from all aspects.

The character of this semi-rural lane is defined by the presence of long-established roadside oak trees, which overhang the road and form an impressive high canopy.

It does not present any obvious major problem to adjacent landowners or public highway users. Only one branch was seen to descend low over the carriageway at a height which could contact a high-sided vehicle. (see photo at foot of report, with area of low growth shown within yellow-bordered square). The removal of such material qualifies as an exception from the normal application process.

Under the terms of the exception, it would be acceptable at this location to prune that branch to achieve a maximum of 5metres overhead clearance above the carriageway. It is important not to exceed those measurements, to do so would constitute unauthorised work (see Advisory notes below for further detail).

The removal of dead branches is an exception and does not require permission from the local planning authority.

Conclusions:

This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression.

The applicant proposes a reduction of main limbs to 7metres length but makes no similar prescription for reduction of top height. If we apply 30% this equates to approx. 6metres. Both elements of the proposal far exceed the recommendations in British Standard 3998:2010 - Tree Work. Furthermore, it has not been demonstrated that an overall reduction of tree height and spread (to any extent) is 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:

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:

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 be weighed in the balance with the Development Plan.

CONCLUSIONS

Following 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 tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The tree surgery proposed would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.
- 2 **INFORMATIVE:** Under the terms of the exception, it would be acceptable at this location to prune that branch to achieve a maximum of 5m overhead clearance above the carriageway. It is important not to exceed those measurements, to do so would constitute unauthorised work (see Advisory notes below for further detail).