

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

REF NO: Y/33/19/T

LOCATION: Ferndale House
Burndell Road
Yapton
BN18 0HT

PROPOSAL: Fell 1 No. Sycamore tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree in this application is located to the rear of the property.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

Y/36/19/T Crown reduction of 1.5m - 2m to 1 No. Hornbeam tree.

Relevant history noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Yapton Parish Council
No response
No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

This tree appears to be outwardly healthy and stable with a relatively unmodified and attractive crown

profile. It has landscape value and is both highly visible from numerous properties and to users of the public highway (footway and carriageway).

It grows between and dominates two mature hornbeam trees; an attractive group benefiting from mutual support and cohesion. Beyond the curtilage of this property the group and especially the sycamore can be viewed as an important constituent of an established line of trees, which both help define the character of the area and represent a significant public amenity.

Conclusions:

This tree provides significant visual amenity and has not been proven to present an unacceptable level of risk for its location, so should be retained.

This is a long-established tree given adequate room and statutory protection during/in response to - relatively recent residential development; so as to be purposefully retained in harmony with surroundings. The work proposed has not been justified on arboricultural grounds.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Tree Preservation Order.

DEVELOPMENT PLAN POLICES

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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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 There is no arboricultural reason for the tree to be felled and its felling would detract from the amenities of the locality .