

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

REF NO: **AW/215/13/T**

LOCATION: 16 Margaret Close
 Bognor Regis

PROPOSAL: Fell 1 No. Pinus Radiata & crown lift 1 No. Pinus Radiata to 8 metres and reduce height by 4 metres

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The trees the subject of this application but various trees within the site.
BOUNDARY TREATMENT	Front is open, sides and rear have close boarded fencing + tree screening.
SITE CHARACTERISTICS	Detached two storey property with attached double garage. The property has red brickwork, red tiled roof with brown window frames.
CHARACTER OF LOCALITY	Residential cul-de-sac comprising 3 no. detached dwellings of similar style and design.

RELEVANT SITE HISTORY

AW/108/02/T	Works to various trees	ApproveConditionally 12-08-2002
AW/113/13/T	Reduce crown of 1No. Aesculus Hippocastanum (Horse Chestnut) in NW corner of garden by two metres height and up to three metres spread.	ApproveConditionally 12-07-2013

REPRESENTATIONS

Representations received:

Aldwick Parish Council

No objection

Members agreed that the Arun Arboriculturist is consulted regarding this application and that his professional recommendations/decision is applied.

1 Letter of Support

The tree has grown considerably since we moved into our house 20 years ago. Due to its size and height it is overhanging our boundary and beginning to break through the fencing, destroying plants and grass. I am in full support of the application which in my opinion is quite modest. Other adjoining neighbours have also expressed their wish to have it well reduced.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Council's Arboriculturist

The applicant proposes to fell the large Pine and crown lift and reduce the younger tree. There is a history of tree pruning works to both trees where lower branches have been removed.

The crown-lift and reduction to the younger tree would benefit the neighbours from overshadowing and in my opinion if carried out to a good standard would benefit the tree to create a balanced high crown formation.

The large Monterey Pine is a significant feature. Other than deadwood I did not detect a structural fault with the tree. The application does not indicate any structural weakness or disease which would support the action to have it removed.

I support the tree work to the young Pine.

The proposed removal of the largest tree has not been supported within the application and there is no evidence to suggest this work should proceed without good arboricultural justification. Therefore I would recommend a refusal of consent to allow for the felling of this tree.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Tree Preservation Order
PDR Open Plan Condition
No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

XXX1

Circular 36/78

XXX2

DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPOs, 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

The 2 no. Pinus Radiata trees are sited in the rear garden of the property where there are numerous trees.

The one sited behind the dwelling is of a substantial height and is readily visible above the roof line of the property and can be seen from various vantage points being of public visual amenity. The other is sited in the far corner adjacent to the boundary with the neighbouring property No 18.

The application seeks to fell the tree nearest the property as the applicant states that the tree has outgrown its location and is causing excessive shading and overhanging neighbouring gardens. The other tree which is overhanging the neighbouring garden of No 16 Margaret Close seeks a crown lift to 8m and reduction in height by 4m.

The Council's Arboriculturist has recommended that a crown lift and reduction to the younger tree would benefit the neighbours from overshadowing and would create a balanced high crown formation and has no objection to the proposed surgery. However, he has raised an objection to the removal of the larger pine tree as there has been no arboricultural justification submitted to support its removal. The applicant has been in contact with the Council's Arboriculturist regarding his recommendation but is unwilling to remove the larger tree from the application.

In view of this and the Arboriculturist's comments the application is to be refused.

RECOMMENDATION

REFUSE

- 1 The Pinus Radiata tree makes a significant contribution to the character of the area and therefore in the absence of any arboricultural justification the loss of the tree would be detrimental to the visual amenities of the locality.