

A/255/07/T

**TREE WORKS TO TPO TREES REPORT**

|                         |                                                                        |
|-------------------------|------------------------------------------------------------------------|
| DESCRIPTION/<br>ADDRESS | - Crown reduction by 20% of 1 x Oak tree<br>41 Old Place, Bognor Regis |
|-------------------------|------------------------------------------------------------------------|

**THE SITE AND ITS SURROUNDINGS**

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above. The applicant will plant a replacement beech sapling to the South East of the tree concerned.                                                                                                                                                                                                                                                                                                              |
| SITE AREA                  | N/A                                                                                                                                                                                                                                                                                                                                                                                                                  |
| TOPOGRAPHY                 | Predominantly flat                                                                                                                                                                                                                                                                                                                                                                                                   |
| TREES                      | Other than the tree concerned in the application there is another mature Oak tree in the North Western corner of the garden.                                                                                                                                                                                                                                                                                         |
| BOUNDARY TREATMENT         | The tree is in the North Eastern corner of the garden and is enclosed on three sides. To the South there is an approximately 2 metre high concrete wall formed from the elevations of the adjacent garages. The other boundaries in the rear garden are formed of approximately 1.8 metre high wooden fencing.                                                                                                       |
| SITE CHARACTERISTICS       | The property is an end of terrace 2 storey house with the lower part of the elevations being red brick and the upper portion being tiled in a darker colour. There is a small corrugated metal shed beneath the canopy of the tree.                                                                                                                                                                                  |
| CHARACTER OF LOCALITY      | The surrounding area is a predominantly residential location characterised in general by housing of a similar size and design to 41 Old Place. The Oak tree in this proposal has the upper reaches of its canopy visible from Old Place. The tree also impacts on the street scene of Westminster Drive, particularly in the rear garden of 15 Westminster Drive where a substantial amount of the canopy overhangs. |

**RELEVANT PLANNING HISTORY**

| REFERENCE   | DESCRIPTION                                                                                           | DECISION                  |
|-------------|-------------------------------------------------------------------------------------------------------|---------------------------|
| BR/626/80/T | To lop 3 Oak trees and 1 ash tree                                                                     | Approved Cond. 17-09-1980 |
| AW/188/91/T | Lop two oak and one ash tree and removal of overhang to precise boundary of 15 Westminster Drive      | Approved Cond. 09-12-1991 |
| AW/189/91/T | Lop one oak tree & removal of overhang to precise boundary of 17 Westminster Drive                    | Approved Cond. 09-12-1991 |
| AW/242/00/T | Thinning of crowns and topping. Lopping overhanging growth to boundaries and balancing of 3 Oak trees | Approved Cond. 10-01-2001 |
| AW/8/07/T   | Reduction in height of 1 No. Oak tree by 30% and remove overhang to precise boundaries                | Refused 16-02-07          |

A/255/07/T

**RELEVANT PLANNING HISTORY**

| REFERENCE   | DESCRIPTION                           | DECISION                  |
|-------------|---------------------------------------|---------------------------|
| AW/195/07/T | Crown reduction by 20% of on Oak tree | Approved Cond. 04-09-2007 |

**REPRESENTATIONS RECEIVED**

| SOURCE                          | SUMMARY OF CONTENT                                                                 |
|---------------------------------|------------------------------------------------------------------------------------|
| Aldwick Parish Council          | Objection. Members would be more sympathetic to crown thinning by no more than 10% |
| West Sussex Wildlife Protection | No reduction in crown of Oak tree unless dead or dangerous.                        |
| Other                           | None                                                                               |

**CONSULTATION RESPONSES**

| CONSULTEE                   | SUMMARY OF RESPONSE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Council's Arboriculturalist | <p>The tree is situated in the back garden adjacent to a garage compound and this is causing problems because the owner of the tree is concerned about breakages which may happen with the branches falling on the roof.</p> <p>The height of the tree is about 13 metres with an average spread overall of 6 metres and the girth height, multi-stemmed, is about 0.75 metres on double stems. The tree is in remarkably good health.</p> <p>Application has been received to reduce it by 20% and I agree with this for good husbandry and to remove any problems with regard to the adjacent roofs on the garages.</p> |

**POLICY CONTEXT**

| DESIGNATION APPLICABLE TO SITE                                                |
|-------------------------------------------------------------------------------|
| <p>Within Built Up Area</p> <p>Tree Preservation Order: TPO No. 2 A5 1980</p> |

**DEVELOPMENT PLAN POLICIES**

|                                                                                        |
|----------------------------------------------------------------------------------------|
| <p>West Sussex Structure Plan : LOC1</p> <p>Arun District Local Plan : GEN2, GEN28</p> |
|----------------------------------------------------------------------------------------|

**PLANNING POLICY GUIDANCE**

|                                                  |
|--------------------------------------------------|
| PPS1 - Delivering Sustainable Development        |
| DETR TPO's: A Guide to the Law and Good Practice |

**POLICY COMMENTARY**

|                                                                                                         |
|---------------------------------------------------------------------------------------------------------|
| The above policies are general and, other than Circular 36/78 and DETR TPO's are not specific to trees. |
|---------------------------------------------------------------------------------------------------------|

**COMMENT ON CONSULTATION RESPONSES**

**A/255/07/T****COMMENT ON CONSULTATION RESPONSES**

Noted.

**COMMENT ON REPRESENTATIONS RECEIVED**

The tree is situated to the rear of the property and is considered to be attractive but not a major contributor to the character of the surrounding area owing to its position. The Council's arboculturalist is of the opinion that a 20% reduction would be acceptable. It is considered that a reduction of 10% would be likely to result in there being a shorter amount of time before the tree would again have to be pruned. As such it is considered that a reduction of 20% would be an acceptable course of action. A reduction of 20% was made on another Oak at Old Place recently (see planning history).

**ASSESSMENT OF PROPOSAL****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 Oak Tree concerned is situated in the rear Western corner of the garden. The crown is visible from the street at both Old Place and Westminster Drive. Maintenance of a similar extent to the proposal has been performed at regular intervals in recent years

The Council's arboculturalist considers the tree to be in good health but is aware of the issue of the potential hazard of falling branches onto the adjacent garage roofs. Following inspection the Council's arboculturalist considers that the proposed work would be acceptable for reasons of good husbandry and to remove any problems with regards to falling branches on the garage roofs.

It is therefore recommended that the application be approved subject to the following conditions.



**RECOMMENDATION**

AW/255/07/T

**TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (TREE  
PRESERVATION ORDER)  
REGULATIONS 1999**

# RECOMMENDATION

Application Ref: AW/255/07/T

**1 To Addressee****2 Site Address**  
41 Old Place  
Bognor Regis**3 Description of Development**  
Crown reduction by 20% of 1 x Oak tree**4** In pursuance of their powers under this Act and these Regulations the Council GRANT consent for the operations to be carried out in accordance with the application and plan and subject to the conditions specified.

The Council certify that they are satisfied that the conditions specified are in the interests of good forestry or in the case of trees other than those comprised in woodlands, that the trees have an outstanding or special amenity value.

KW

**RECOMMENDATION**

AW/255/07/T

**CONDITION 1** The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

**CONDITION 2** The work hereby approved shall be undertaken under the supervision of the Local Planning Authority who shall be notified in writing, not less than 7 days before the work commences.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

**CONDITION 3** The works hereby approved shall involve only reducing the Oak by a maximum of 20%.

All works shall be carried out in accordance with BS 3998: 1989 Recommendations for Tree Work.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity in accordance with policy DEV1 of the West Sussex Structure Plan and policy GEN7 of the Arun District Local Plan

**INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

Case Officer: Mr J Smith