

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** **AW/47/14/T****LOCATION:** 32 Fernhurst Gardens
 Bognor Regis**PROPOSAL:** Fell 1 No. Macrocarpa tree in front garden.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Close boarded fencing to front, sides and rear approximately 1.8m in height.
SITE CHARACTERISTICS	Two storey property with integral garage and hardstanding area to front. The property has red brickwork, hipped-pitched tiled roof with white window frames.
CHARACTER OF LOCALITY	The site is located on an access road serving properties Nos 32 and Shearwaters. There is a public footpath to the front. Fernhurst Road has a variety of detached properties.

RELEVANT SITE HISTORY

AW/160/04/T	Application to fell 1no. Silver Birch and lop/shape 1no. Fir Tree	ApproveConditionally 22-09-2004
AW/249/10/T	Reduce 6 No Pittosporum Trees by 50%	Approve 08-12-2010
AW/85/11/T	Crown clean, remove deadwood material over 25mm in diameter & any storm damaged branches & lateral prune to source 1 no. limb at 14m heading south west over drive to 1 no. Monterey Cypress by drive entrance	ApproveConditionally 31-05-2011

REPRESENTATIONS**Representations received:**

Aldwick Parish Council

Members strongly object to the application on the grounds that the tree is an amenity and is the subject of an existing TPO; that the tree is not dead, diseased or dying and because the tree is situated in a character area of the Parish of Aldwick.

Comments on Representations received:

Parish Council comments noted
See Arborist recommendation.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Consultant Arboriculturist

A large and imposing tree in the landscape

Has a 'sister' tree in the garden of No 30.

Basal area appears sound and it has been cleaned out and tidied after recent storms and all suspect branches and storm damage have been removed - it now contains no actionable defects that I can see from ground level.

Overall it has a presence in the landscape and a contribution to make and there is no overriding safety issue or reason at this time to warrant removal.

2nd Consultation from Consultant Arboriculturist

In an effort to confirm the health of this tree and the presence of any split branches I reviewed this tree with the aid of binoculars - this revealed that the owner is correct and there is indeed a split branch in the upper reaches of the crown. However, this can be removed under the exemption clause because it is a safety issue (I acknowledge that 5 days written notice has been provided by the applicant).

Beyond this I saw no other actionable defect in the crown and maintain my opinion that at the present time the tree is safe and worthy of retention.

I confirm that the above is still my considered opinion on this tree - if the owner disagrees then he has recourse to an official objection to the Inspectorate for an independent opinion.

I object to the works as described in this application for the reasons stated above and recommend refusal.

5 Letters of Objection

The tree is an important amenity tree in this area being more than 100 years old and is one of the few survivors of several planted in Aldwick and the house was designed and built around this.

The tree is in a sound condition and enjoyed by residents who use the public footpath. Although it has suffered some storm damage of recent years sympathetic management in the future will ensure that it is enjoyed for many years to come.

Claims that the roots are damaging the footpath is spurious for there is a slight crack in the heavily worn tarmac.

There is no report from an Engineer or Arboriculturist supporting this spurious claim.

Tree supports a wide variety of birds.

The tree is a fine example of the planting last century if a seaside tree that has contributed to the character of the neighbourhood.

The house must have been chosen and purchased with full knowledge that much of its attraction lay in the nature of its surrounding environment.

Work previously undertaken on the tree represents an utter travesty of tree surgery and the likelihood of disease and die back occurring on the badly finished branches must be massively greater than if it were cut to the requirements of BS3998:2010.

Comments on Consultation responses:

Arborist and objection comments noted.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
No Public Sewer
Tree Preservation Order
PD Restriction

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY 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

The Monterey Cypress tree is sited in the front garden adjacent to the driveway and boundary fencing and is adjacent to a public footpath. There is a sister tree in the garden of No 30 Fernhurst Gardens. The tree being readily visible to the front of the site adjacent to the public footpath is of public visual amenity.

The application seeks to fell the tree as the applicant is concerned regarding its health and its safety being in close proximity to the property and overhanging the adjacent public footpath. Work to the tree to remove storm damaged branches and pruning was previously approved under AW/85/11/T. The Consultant Arboriculturist has inspected the tree on two separate occasions and whilst there is evidence of a split branch in the upper reaches of the crown this can be removed under the exemption clause due to its safety issue and he is of the opinion that at the present time

the tree is safe and worthy of retention.

In view of his comments and in the absence of any arboricultural justification the application is recommended for refusal.

RECOMMENDATION

REFUSE

- 1 The Macrocarpa 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.