

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT

REF NO: AW/54/11/TC

LOCATION: 51 Kingsway (Jesters)
Aldwick
Bognor Regis

PROPOSAL: Reduce height by approximately 3.5m and the spread by approximately 3m to
1no. Copper Beech tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The Beech tree the subject of this application.
BOUNDARY TREATMENT	Front has wooden fence painted white 1.5m in height, rear has brick wall approximately 1.8m in height, side boundaries close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Detached two storey property with detached double garage in rear garden and paved driveway. The property has pale cream brickwork, red tiled roof with white window frames.
CHARACTER OF LOCALITY	Private residential estate within the Craigweil House Conservation Area comprising detached properties of various styles and designs, some of notable character.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Members voted unanimously in favour of supporting this application.

1 Letter of Objection

The West Sussex Wildlife Protection Group opposes the application on the basis of no surgery due to nesting birds.

Comments on Representations received:

Parish Council's comment noted.

Objection noted. If approved, an informative will be placed on any decision regarding nesting birds during the months between April to September.

CONSULTATIONS

Council's Arboriculturalist
Conservation Area Advisory Com
Conservation Officer

Consultations responses received:

Council's Arboriculturalist
I have visited the site and noted the Beech tree in the rear garden. I believe that this tree would not be old enough to be included within the 1958 Area TPO. It has good potential to reach a larger size and become a prominent feature of the area. However, views to it are restricted at this time.

Conservation Area Advisory Committee
No objection

Conservation Officer
Awaited

Comments on Consultation responses:

Council's Arboriculturalist comments noted and agreed.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Tree Preservation Order
Within Craigweil House Conservation Area
Art 4 Direction

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [AREA2](#) Conservation Areas

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 211(1) of the Town and Country Planning Act 1990 states:-
'Subject to the provision of this section and Section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of Section 198(3)(a) be prohibited by a Tree Preservation Order shall be guilty of an offence.'
It is a defence to have provided notification to the Local Planning Authority 6 weeks in advance of any works. This is to enable the Local Planning Authority time to consider making a Tree

Preservation Order.

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 Copper Beech tree is sited to the rear of the property on the north west boundary adjacent to the detached garage. Due to its rear location it is not readily visible in the street scene and not of any significant public visual amenity.

The application seeks to reduce height by approximately 3.5m and the spread by approximately 3m as it is causing excessive shading to the rear garden and neighbouring garden of 3 Wychwood Close. The Council's Arboriculturist has inspected the tree and it is not old enough to have been covered by Tree Preservation Order 2/5 but it has the potential to reach a larger size and become a prominent feature of the area.

It is therefore recommended that no objection be raised or Tree Preservation Order be made.

RECOMMENDATION

NO OBJECTION

- 1 **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.
- 2 **INFORMATIVE:** This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.