

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area

REF NO: BE/30/18/TC

LOCATION: 78 North Bersted Street
Bognor Regis
PO22 9AQ

PROPOSAL: Reduce crown and remove spread by 1.5m to 1No. large Yew tree which is overhanging the highway within the North Bersted Street Conservation Area.

SITE AND SURROUNDINGS

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

RELEVANT SITE HISTORY

BE/22/14/TC	Reduce crown of 1 No Acer Platinoidis tree by 1.5 metres and remove diseased lower branches within the North Bersted Conservation Area.	No Objection 24-04-14
BE/13/08/TC	Fell one Eucalyptus and two Leylandii, trim overhanging branches of one Yew tree and remove dead wood within the North Bersted Conservation Area.	No Objection 25-03-08
BE/31/11/TC	Lop one Yew tree within the North Bersted Conservation Area.	

Relevant planning history noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Parish Council provided no response
No representation from nearby occupiers
Conservation Area Advisory Committee have provided no response

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments

I was unable to gain access to the rear garden of this property nor view the tree at sufficient proximity to be sure of its structural condition, it appears to be in a fine physiological state.

I was able to view the tree from the adjacent road and neighbouring property (76) , from the latter aspect its crown has been regularly trimmed back to the boundary wall- to achieve satisfactory clearance of side access and building. A number of larger branches have been poorly reduced back presumably for the same reasons. This has resulted in an unfortunate loss in part of crown uniformity.

It is located close to a (listed)? high flint brick wall, which from the West appears intact and obviously subject to superficial repair. Located close to the property's front boundary, it is highly visible to passing traffic and from surrounding properties.

The applicant seeks to undertake this work for reasons of highway overgrowth, cable interference and heavy shading.

A crown reduction' involving the removal of 1.5m of lateral extent is presumed to be on all aspects, as defined by BS3998:2010- Recommendations.

Conclusions:

This is an aged tree of notable stature and prominence, which appears to be in good overall condition. While its aesthetic value has been somewhat denuded by successive and frequent trimming on its West aspect, it retains a 'natural' silhouette typical of its species and displays fine form on the majority of aspects

Public highway overhang does not appear to present any obvious difficulty or hazard to road users. Cable interference is minor-issues of cable damage from rubbing branches and possible loss of service can be addressed without recourse to substantive pruning. No 'right to light' has been determined in this instance and the tree does not obviously prevent reasonable enjoyment of the property so as to justify 'containment pruning' at this time.

A reduction of 1.5m lateral extent on the West aspect would exaggerate the existing disparity in crown symmetry and thereby reduce its value in the landscape.

The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality, in conflict with policy GEN7 of the Arun District Local Plan.

Recommendations

I do not believe there is a justification for the proposed works at this time and would recommend that a TPO is made to preserve the tree in the landscape. I attach a TEMPO form and GIS plan for this purpose.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Conservation Area

Listed Building

DEVELOPMENT PLAN POLICES**PLANNING POLICY GUIDANCE:**

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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 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

Following comment from the tree officer, it is recommended that an objection be raised and a TPO is made.

HUMAN RIGHTS ACT**FOR REFUSAL**

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of

permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

OBJECTION

- 1 The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of the trees landscape impact and undue detriment to the visual amenities of the locality.