

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

REF NO: BR/150/20/T

LOCATION: 252 Hawthorn Road
Bognor Regis
West Sussex
PO21 2UP

PROPOSAL: Crown reduction of 1 No. Oak tree to height 7.2m and spread 6.3m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree is situated on the site of 252 Hawthorn Road Bognor Regis.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

BR/148/16/T	Cut overhanging branches of 2 No. Oak trees by 2-3m to the boundary of fences.	ApproveConditionally 23-08-16
BR/206/10/T	Reduce crown of 2 No Oak trees	ApproveConditionally 03-09-10
BR/253/19/T	Crown reduction by 4m to 1 No. Oak tree.	Refused 29-11-19

Relevant Planning history noted.

REPRESENTATIONS

No response from Parish Council.

No response from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Restricted view at time of inspection (from Pagham Court only) although outwardly and from a distance this tree appears to be healthy and stable. No concerns in respect of its condition have been raised or evidenced. A recent incident of large, low limb failure has temporarily diminished its aesthetic value when viewed from the west, but it otherwise retains a relatively unmodified and attractive crown profile - especially when seen from publicly accessible land.

- It grows so close to a rear garden boundary that it dominates the outlook from the back of this property as well as apartments in neighbouring Pagham Court - a relatively recent development in the history of this long-established tree. Seasonal influence from shading is not insignificant but unlikely to be excessive.
- Overhead and lateral clearance of branches above and from the property appears to be adequate but there is scope for some light pruning to improve conditions if desired. A subsequent application would need to be carefully prepared and for example - specify the precise extent of clearance from built structures and extent/type of low branch removal (crown lifting).

Conclusions:

- This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression. It will always be a dominant feature for those properties nearby but remains in harmony with its surroundings.
- The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The proposal to reduce both the height and lateral spread on all aspects (the correct interpretation of crown reduction) by such an extent does not comply with 'British Standard (BS3998:2010) Tree work - Recommendations' and would result in harm to the health and vitality of the tree with large pruning wounds being formed as well as undermining its visual amenity value and impact in the landscape.

Recommendation:

- I recommend REFUSAL for this application

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built up Area Boundary
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice 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/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the comments from the Tree Officer, it is recommended consent be refused.

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

REFUSE

- 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 tree's landscape impact and undue detriment to the visual amenities of the locality.