

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

REF NO: BR/268/20/TC

LOCATION: 7 Countland Court
5 Marine Parade
Bognor Regis
PO21 2LT

PROPOSAL: 1 No. Sycamore tree (T12) reduce by 2m to leave 1m and crown clean within the Aldwick Road, Bognor Regis Conservation area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 7 Courtland Court, 5 Marine Parade.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

BR/235/20/T	1 No. Sycamore tree (T11) reduce by 2m on circumference to leave 1m and to crown clean.	
BR/266/20/TC	Reduce by 2m on circumference to leave 1m and crown clean 6 No. Lime trees and 4 No. Sycamore trees (T1 - T10) within the Aldwick Road, Bognor Regis Conservation area.	
BR/146/15/L	Application for listed building consent to knock through living room wall to make a doorway to the kitchen, partition off part of the kitchen to make a shower room with washbasin, install toilet into former airing cupboard & replace all 1978 internal & entrance doors.	ApproveConditionally 15-10-15

Relevant planning history noted.

REPRESENTATIONS

No objection from Town Council on BR/235/20/T (this application results from that as not covered by a TPO).

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

There are irregularities with the information/plan submitted in support of this application, such that we have grounds to refuse the application. The following unsatisfactory details were provided:

Sketch plan showing position of two sycamore on east side of Marine Parade Road, where none exist. There are two obvious individual sycamore to the west of Marine Parade Road in the same vicinity, it is assumed those are the subjects. It should be noted at this point that the northern tree grows from within the curtilage of 37 Aldwick Road (my reference T12). The southern tree appears to grow from within Marine Parade Road (private) and assumed to be under group management (my reference T11).

T1-T10 is a linear group of similarly managed (crude pollards) trees, running east-west in the rear gardens of Anton Cottages. There appear to be 6 individual lime and 4 sycamore, so it is not clear which trees are the subject of the application.

Work proposed to items in group T1-T10 are acceptable and I consider T11 & T12 to be at risk of inappropriate management; so in the interest of expediency I have made assumptions within my report that I hope will both facilitate reasonable works and inform any future application.

T1-T10 incl.

These trees are not the subject of any Tree Preservation Order but are growing within the Aldwick Road, Bognor Regis Conservation Area and of sufficient size (stem diameter at 1.0m ht. >75mm) to enjoy Statutory Protection. As such, we must consider this element of the application as a Sect. 211 Notice (Notice of intent to undertake works to a tree in Conservation Area).

Although the quantity/species of tree in the proposal are unreliable, I do not object to the work specification or consider that inappropriate for the entire group.

T11 & T12

Both trees appear to be outwardly healthy and stable. Their form is typical of coastal sycamore; effectively wind-pruned and somewhat erratic although having adapted well to that influence. Interference with the established limb and branch framework of such trees can disrupt their evolved defences leading to crown decline. In the absence of significant structural defect and/or disease which demands remedial pruning, such work is not recommended.

They are highly visible from surrounding properties and to users of the public highway (footway and carriageway). As such, they have public amenity value.

The work specification (reduction of circumference) is not recognised within British Standard (BS3998:2010) Tree work - Recommendations and is not possible to satisfactorily interpret from site. A crown reduction proposal must accurately describe the height and spread (metres) remaining on all aspects, post-pruning.

An existing Tree Preservation Order (TPO/BR/1/99) includes T11 as a subject.

Conclusions and Recommendations:

T1-T10 incl.

I am satisfied that the work proposed is justified and will not result in character of the surrounding area being diminished. I raise No Objection to the works that have been applied for and see no reason to make an individual Tree Preservation Order to better control their management.

T11 & T12

I am unable to concur with the reasons stated as being sufficient to justify the proposed work. The trees are a significant feature in the local landscape and appear to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of their landscape impact and undue detriment to the visual amenities of the locality.

T11 - I recommend REFUSAL.

T12 - I recommend the making of a Tree Preservation Order to preserve this tree's place in the landscape and better control future management.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built up area boundary.

Tree preservation order.

Conservation area.

Listed building.

DEVELOPMENT PLAN POLICIES

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/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the comments of the tree officer, it is recommended that an objection is raised and a TPO be made to protect the tree.

Comments received from the tree officer indicates this is a complex proposal. Therefore there have been three applications processed. BR/268/20/TC is for the works to tree T12 which has been refused, so a TPO has been made. BR/266/20/TC is for the works to trees T1-T10 has had no objection. BR/235/20/T is for the works to tree T11 and has been 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

OBJECTION

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