

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

REF NO: BR/273/20/T

LOCATION: 106 Chichester Road
Bognor Regis
PO21 6AA

PROPOSAL: Reduce lateral limbs to stop encroachment on to neighbours property of 1 No. Beech Tree (T1) Finished spread of 6m.
Reduce lateral limbs to stop encroachment on property of 1 No. Beech Tree (T2) Finished spread of 7m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 106 Chichester Road.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

BR/65/20/T	Remove large bough growing towards neighbouring flats with large rot pocket at 3m and reduce selectively by 1-2m to leave a balanced tree after bough removed to 1 No. Walnut tree (T3).	ApproveConditionally 13-05-20
BR/285/16/T	Prune back crown of 1 No. Common Beech to give a maximum clearance of 2m to neighbouring property on North East side Remove stem on North East side of 1 No. Walnut tree by 4.5m to the previous pruning point	ApproveConditionally 05-01-17
BR/257/14/T	Prune back crown to 1 No. Common Beech tree T3 to give 2m clearance to property on north-east side, remove stem on north-east side of 1 No. Walnut Tree T4 by no more than 5m.	ApproveConditionally 25-11-14
BR/273/09/T	Remove & grind stump of 2 no. Common Beech trees & reduce crown by no more than 15% of 1 no. Common Beech tree. Reduce crown by 2m & remove lower	Refused 23-12-09

epicormic growth to 1 no. Walnut tree

BR/72/09/T	Fell 2 Beech trees and reduce 1 Beech and 1 Walnut tree by 30% in height and spread.	Refused 12-06-09
BR/418/05/T	Fell 3 No. Chestnut trees and reduce 1no.Walnut tree by 50% in height and width	Refused 02-03-06
BR/114/02/T	25% reduction of limbs of 1 walnut tree and one beech tree.	ApproveConditionally 24-06-02

Relevant planning history noted.

REPRESENTATIONS

No comments from Parish Council.
No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Outwardly and from a distance (restricted view) both trees appear to be in a fine physiological state. Two beech trees providing mutual support and sharing an attractive profile. T1 is subordinate to its companion and with asymmetric form. Together they are a landmark feature, growing from within raised garden alongside a busy public highway junction. As such, they have high amenity value.

Given the proximity of such large trees to adjacent buildings a degree of overhang is inevitable and to be tolerated if they are to remain visually impressive. Crown reduction pruning whether wholly or partial must be minimal if at all and then only to the extent that enough clearance of structures exists to prevent damage.

T1 grows towards neighbouring property although satisfactory clearance (>2metres) of building exists. Historic branch removal/reduction pruning on north aspect has eliminated what may have been problematic low-level overhang and for the long-term.

T2 affects the applicant's dwelling. Light branches extend east from the tree and to within 1metre of the west flank wall.

Conclusion:

These 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.

Recommendations:

As it stands, I recommend REFUSAL for this application.

I would like the applicant to be invited to agree to a revised proposal for lesser works (such as described below) as part of the current application so as not to incur further delay. Such work would go some way to addressing their concerns (T2) whilst preventing a diminution of both trees landscape and public amenity value:

T2 Beech

Reduce radial spread on east aspect of T2 to achieve maximum of 2metres building clearance (106 Chichester Road) and by creating pruning wounds less than 50mm diameter.

If the applicant is prepared to revise their application in line with this advice, then I would be able to recommend APPROVAL subject to a condition.

Condition to Be Applied to Approved Work: -

Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010

Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interest of the tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

See also the standard pruning guidance notes issued with the consent letter

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.

Tree preservation order.

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 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 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 These trees are a significant feature in the local landscape and appear to be in adequately sound and healthy condition. The tree surgery proposed would result in excessive reduction of their landscape impact and undue detriment to the visual amenities of the locality, therefore this application is refused.