

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

REF NO: BR/312/19/T

LOCATION: 2 Monterey Gardens  
Bognor Regis  
PO21 2FY

PROPOSAL: Crown reduction by 2m to 1 No. Hawthorn tree and Crown reduction by 1.5m to 1 No. Bay tree.

**SITE AND SURROUNDINGS**

|                              |                                                                     |
|------------------------------|---------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION   | As above                                                            |
| TREES                        | The tree is situated on the site of 2 Monterey Gardens Bognor Regis |
| SITE CHARACTERISTICS         | Dwelling                                                            |
| CHARACTER OF LOCALITY        | Residential                                                         |
| No relevant planning history |                                                                     |

**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council  
No objection  
No representation from nearby occupiers

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted

**CONSULTATIONS**

Arboriculturist

**CONSULTATION RESPONSES RECEIVED:**

TA - Outwardly and from a distance this tree appears to be in a fine physiological state although heavily suppressed and so of erratic form. It is visible from adjacent properties and only with difficulty from publicly accessible land. A tree of low public amenity value.

TB - This tree appears to be outwardly healthy and stable with a relatively unmodified and attractive crown profile. The stem base and unions are restricted from view as the tree is located in a secure area. Visually a fine example of its type and appropriately the subject of an Order (T14, TPO/BR/1/02. It is on the edge of a broken tree-line that represents an informal boundary screen along rear boundary of neighbouring properties. As such, it also has some local value in providing connectivity between green

infrastructure. It is visible from surrounding properties and to users of the public highway (carriageway and footway).

Crown clearance from the nearest dwelling and above the garden seems reasonable and should be tolerated if this tree is to remain of high public amenity value. Some very light pruning of lateral branches on and lowest level growth could provide some improvement of conditions and be acceptable, but that is far from what is being sought here.

**Conclusions:**

- TA - This tree is not the subject of any Statutory Protection and so consent from the local planning authority for the proposed work is not required.
- TB - The proposal to reduce both the height and lateral spread on all aspects (the correct interpretation of crown reduction) by 2m respectively does not comply with 'British Standard (BS3998:2010) Tree work - Recommendations' and would be likely to result in harm to the health and vitality of the tree with large pruning wounds being formed.

**Recommendations:**

- TA - The applicant should be advised that the tree is not the subject of any Statutory Protection and so consent from the local planning authority for the proposed work is not required.
- TB - I recommend REFUSAL for this item on the application.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted

**POLICY CONTEXT**

Built up Area Boundary  
Tree Preservations 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 no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

## 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 (TB) 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.