

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

REF NO: BR/46/22/T

LOCATION: 43B Pevensey Road
Bognor Regis
PO21 5NY

PROPOSAL: Remove 4 lower limbs of 1 No. Corsican Pine tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree is situated in the garden to the rear of the dwelling.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.
None.	

REPRESENTATIONS

Bognor Regis Town Council - No Objection:
- Subject to the approval of the ADC Arboriculturist. It is recommended, if approved, that no work should be carried out if any birds or bats are nesting.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Tree Officer

This tree was made subject of a Tree Preservation Order in 2008. Subsequent development of the plot following planning approval (granted December 2019) captured the tree within rear garden of 43B. Dwellings are located at a harmonious distance.

The tree is visible from surrounding properties and in large part from public highway.

Outwardly it appears to be in a fair physiological state and stable. Crown density is moderate and shoot extension slightly stunted, although it is not clear what is responsible for those symptoms. I saw no evidence of needle blight or chlorosis and overall the foliage looks healthy with all shoot tips intact.

Of interest, having considered historic comments from the Council's own engineer (drainage) and developer's project arboriculturist; we know the area is/was susceptible to surface water flooding (2018)

and that the tree appeared to be in good physiological and structural condition (2017).

Conclusions:

The proposed work has not been justified on arboricultural grounds.

The lower crown profile is asymmetric although this does not detract from the tree's amenity value or present as a nuisance.

The removal of branches to balance the lower crown profile on all aspects does not meet the requirements in British Standard (BS3998:2010) Tree work - Recommendations. Such a loss in volume of needle-bearing branches would likely be harmful to the long-term health and vitality of the tree.

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 is likely to result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.

Recommendation:

I recommend REFUSAL for this application

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built Up Area Boundary

TPO

Pagham Harbour Zone B

2km Buffer for Site of Special Scientific Interest

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 would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.