

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** BR/73/12/T**LOCATION:** 194 Aldwick Road
Bognor Regis**PROPOSAL:** Fell 1no. Monterey Cypress**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Application seeks consent to fell 1no. Monterey Cypress Tree
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Flat
TREES	1 no. Monterey Cypress Tree and various mature and semi-mature trees within the wider area
BOUNDARY TREATMENT	2 metre high brick wall and pillars to front boundary and timber gates.
SITE CHARACTERISTICS	Detached two storey modern dwelling faced in white render and grey cladding. Grey tiled hipped roof. Large front garden and gravel driveway.
CHARACTER OF LOCALITY	Main road comprising large detached two storey residential dwellings in ample plots.

RELEVANT SITE HISTORY

BR/433/89	Alterations and extensions to form games room and first floor dressing room and bathroom	Refused 04-09-1989
BR/505/89	Alterations and extensions to form Games Room and first floor Dressing Room and Bathroom	Approve Conditionaly 11-12-1989
BR/78/08/	Alterations & extension to existing dwelling to form 10no 1 bed apartments together with provision for vehicle parking	Refused 11-06-2008
BR/159/09/	Proposed first floor extension over existing attached garage	Approve Conditionaly 10-09-2009

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection subject to the approval of the Arboricultural Officer at ADC. It is recommended, if approved, that no work should be carried out if any birds or bats are nesting.

West Sussex Wildlife Protection: Object. No felling due to nesting birds.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

Arboriculture: Object. The Monterey Cypress is young, with symmetry, healthy and visually prominent within the confines of the applicant's stone chipped south facing garden. It is located at sufficient distance away from the property to be accommodated for many years without the potential for its future growth to cause direct damage to structures. The Monterey Cypress provides the local area with good visual amenity. Shading and falling debris and not good reasons to have a tree with a Tree Preservation Order felled.

Recommendation - In the absence of sound written justification for its removal from a professional, I would object to the request to have the Monterey Cypress felled.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

XXX1

Circular 36/78

XXX2

DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPOs, 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

The Monterey Cypress Tree is located within the front garden of the application property and is protected by Tree Preservation Order BR/1/08. The tree is highly visible within the streetscene and surrounding area, by virtue of its height and large canopy. It is considered to make a significant contribution to public amenity.

The applicant seeks to fell the tree, in order to reduce excessive shading and debris falling onto the property. It is proposed to replace the Monterey Cypress with an Ash Tree.

On inspection, the tree appears to be in reasonable health and is situated sufficient distance from the property and surrounding dwellings, so as not to create excessive overshadowing or loss of light to windows. The Council's Tree Officer has inspected the tree and comments that the tree is young and healthy, located at sufficient distance from the property to be accommodated for many years, without direct damage to structures. Shading and fall debris are not considered sufficient reason to fell this TPO'd tree.

Given the tree's significant contribution to public amenity, and, in the absence of any arboricultural justification to fell the tree, it is considered that consent should be refused.

RECOMMENDATION

REFUSE

- 1 The tree makes a significant contribution to the character of the area and therefore in the absence of any arboricultural justification the loss of the tree would be detrimental to the visual amenities of the locality in conflict with policy GEN7 of the Arun District Local Plan.