

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

REF NO: BR/76/26/T

LOCATION: 13 Normanton Avenue
Bognor Regis
PO21 2TU

PROPOSAL: Fell 1 no. Oak (T01).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located at 13 Normanton Avenue, Bognor Regis.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

BR/55/26/PL	Removal of existing garage and outbuilding and conversion of 1 No. detached house into 2 No. semi-detached homes, including a two-storey side extension with dormers and a rear extension and demolishing of out buildings. This application is in CIL Zone 4 and is CIL Liable as a new dwelling.	Refused 03-07-26
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Relevant planning history noted.

REPRESENTATIONS

Bognor Regis Town Council- Objection.

Loss of Trees and Impact on Landscape Character (Arun Local Plan Policies QE SP1, D SP1; NPPF Paras 135 and 187) Members are concerned by the loss of existing trees required to facilitate the development. Trees make a valuable contribution to the visual amenity, biodiversity and character of the area, and insufficient information has been provided to demonstrate that their removal is justified or that adequate mitigation can be secured as detailed in the Tree Officer s report. The proposal is therefore contrary to Policy QE SP1, which seeks to conserve and enhance the natural environment, and Policy D SP1, which requires development to contribute positively to local character.

1 letter of support from nearby occupier summarized:

- Tree causes more problems than benefits despite its size and appearance.
- Poor maintenance leads to blocked drains and frequent falling branches, posing safety risks.
- Causing significant damage to No. 13.
- Too large to manage or maintain affordably.

- Unsuitable for a residential area with nearby houses.
- Issues likely to worsen over time.
- Strong support for removal or at least a 50% reduction.

1 letter of objection from nearby occupier summarized:

- Mature, healthy 90-year-old English oak with strong amenity value.
- Planted with historic and sentimental significance.
- Requires crown reduction due to past neglect but should be retained.
- Sufficient space exists in the development layout to accommodate the tree.
- Claims of damage to existing structures are not relevant as buildings are proposed for removal.
- Clear objection to the tree's removal.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

TREE OFFICER

I was unable to access the property to gain a close view of the tree due to its secure perimeter and site hoarding. My assessment was limited to the roadside.

T1 is both the dominant tree on site and locally, being large, broad crowned and prominent in the street scene. It is long-established and close to the dwelling (main stem < 5m to front elevation) with potential to grow larger both in terms of height/spread and stem increment. Its roots will be exerting considerable influence over ground conditions locally.

An arboricultural consultant has undertaken a BS5837:2012 compliant survey of T1, noting its good physiological condition, useful life expectancy greater than 40years and giving it the highest retention category rating - A. Further describing those as 'Trees of high arboricultural value that should be retained and protected throughout the development.'

Reference is made to a structural engineer's report, alleging T1 is 'causing ongoing structural risk and physical damage to the property', but it has not been submitted in full with this application. There are multiple causes of structural damage to buildings and evidence of detailed site investigations having taken place is required, before consideration can be given to the removal of such a tree.

Guidance on the extent of information necessary to provide can be found on pages 7-8 of the following document: Work To Trees

Where branches are (or at immediate risk of) directly interfering with the building or fixtures (e.g. roof, guttering, etc.) such that they might cause damage, then it is permitted under the exception for work to prevent or abate a nuisance, to prune back those branches responsible, so far as is necessary to remove the immediate threat of damage and no more. Additional work to provide longer term clearance would require prior consent from the local planning authority.

Conclusions:

The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. Removal has not been justified on arboricultural grounds and would result in significant

landscape impact and detriment to the visual amenities of the locality.

Recommendation:

We refuse consent for this application.

Further Comments have been received from the Tree Officer, following the receipt of structural engineer's report:

The applicant/agent has submitted a report from a structural engineer, Mike Grant Consulting, ref. 2620/MUG, 1 May 2026.

I will address the assertion of tree root-related damage (indirect) to the dwelling; the other element of concern relating to direct damage to the structure from contact with branches has been addressed in my initial response.

T01 has a long-established relationship with the adjacent property. It will have been mature and dominating ground conditions around and potentially beneath the dwelling, for several decades. The whole building footprint is potentially within influencing distance of the oak tree.

It is conceivable that the tree pre-dates the property, although if so, is unlikely to be a significant number of years. Nonetheless, it may explain the cautious approach of the engineer in prescribing a phased removal of the tree to mitigate risk of heave.

The engineer's report does not contain details of any level distortion survey or crack monitoring, to confirm the involvement of vegetation in any damage event. Nor has there been any soil, root analysis or below ground investigation of foundations.

The arboricultural report from Complete Arb Services Ltd. was commissioned for the purpose of gaining planning permission for development at the site and not in support of this tree work application, so understandably provides no commentary in respect of the subsidence risk. It assumes the tree will be removed in accordance with their client's wish.

Guidance from the Planning Portal, which this local planning authority has adopted, states the following, in respect of reports submitted in support of tree work proposals as response to structural damage (building subsidence):

Conclusions:

No change from original comment - 'The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. Removal has not been justified on arboricultural grounds and would result in significant landscape impact and detriment to the visual amenities of the locality.'

Recommendation:

No change from original comment - 'We refuse consent for this application.'

COMMENTS ON CONSULTATION RESPONSES:

Following the receipt of comments from the Council's Tree Officer, the applicant submitted a structural engineer's report as supporting information. The Tree Officer has been re-consulted, and further comments are set out in the consultation responses section above.

POLICY CONTEXT

Tree Preservation 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

There 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.

The submitted arboricultural report identifies the tree as a Category A tree of high arboricultural value, in good physiological condition with a life expectancy exceeding 40 years, and therefore suitable for retention.

While the reports submitted identify issues including proximity to the building and evidence of physical damage to the roof, they do not demonstrate that the tree is unsafe, or of such poor condition as to warrant removal on arboricultural grounds.

Furthermore, the structural engineer's report does not provide conclusive evidence that the tree is causing structural damage through subsidence. The report acknowledges uncertainty regarding the cause of cracking and does not include supporting investigations such as soil analysis, root identification, foundation exposure or monitoring data to establish a causal link between the tree and structural movement.

The removal of the tree appears to be driven primarily by the proposed development and site constraints rather than any arboricultural requirement. In the absence of robust and conclusive evidence demonstrating that the tree is directly responsible for significant structural damage, or that lesser works would be insufficient to address the identified issues, the proposed felling would result in significant landscape impact and detriment to the visual amenities of the locality.

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

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. Removal has not been justified on arboricultural grounds and would result in significant landscape impact and detriment to the visual amenities of the locality, contrary to the NPPF.