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

REF NO: FP/13/18/T

LOCATION: 37 Felpham Road
Bognor Regis
West Sussex
PO22 7DA

PROPOSAL: 2m Crown Reduction to 1No. Hornbeam.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at 37 Felpham Road, Felpham.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/290/17/T	2m Crown Reduction to 1No. Hornbeam.	
FP/178/12/T	Crown reduce & crown lift 1no. Hornbeam tree by 3-3.5 metres	Refused 14-11-12
FP/40/95/T		Refused 03-07-95 **Appeal: Decline Jurdctn 28-02-96**
FP/1/95/T	Topping of 1 Sycamore tree	ApproveConditionally 03-02-95

Relevant planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

Parish Council - No objection.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer -
HornbeamCarpinus betulus - Height: Approx.14m - Average spread: 6m - Age: Early-mature
- This is a fine example of its type, with excellent form arising from a lack of significant crown modification. Although not comprehensively assessed, it has apparent good health and appears stable and free of significant structural defect. It is visible from the adjacent public highway and neighbouring properties, thereby provides a notable visual amenity.
- Low branches have been removed in the past to permit access for vehicles to the commercial premises at the rear of adjacent property and achieve satisfactory overhead clearance of footpath serving residential properties - this has not had a detrimental effect on the tree's overall aesthetic value. Canopy height at present is adequate on all aspects.
- It is probably self-seeded and grows out of a short, steep bank - flanked on either side by the aforementioned access road and a low flint wall. It has an overbearing effect on the relatively recent development (Gateway Lodge).

Conclusion:
- 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 would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality, in conflict with the NPPF.
Recommendations:
- I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Within Built Up Area
Tree Preservation Order

DEVELOPMENT PLAN POLICES

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 Council's Tree Officer, it is recommended that 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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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 neutral 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).

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