

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

REF NO: FP/140/20/T

LOCATION: 12 Grafton Avenue  
Bognor Regis  
West Sussex  
PO22 6AR

PROPOSAL: Fell 2 No. Taxus T1 and T2

## SITE AND SURROUNDINGS

|                            |                                                                          |
|----------------------------|--------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above.                                                                |
| TREES                      | The trees outlined on this application are located at 12 Grafton Avenue. |
| SITE CHARACTERISTICS       | Dwelling.                                                                |
| CHARACTER OF LOCALITY      | Residential.                                                             |

## RELEVANT SITE HISTORY

|             |                                                                    |                                  |
|-------------|--------------------------------------------------------------------|----------------------------------|
| FP/127/20/T | Fell 2 No. Taxus - T1 and T2                                       |                                  |
| FP/119/20/T | Fell 2 No. Taxus T1 and T2.                                        |                                  |
| FP/49/20/T  | Reduce 2 No. Yew trees to height 8m and spread 6m.                 | ApproveConditionally<br>15-05-20 |
| FP/4/17/HH  | Porch to front entrance                                            | ApproveConditionally<br>17-02-17 |
| FP/6/17/CLP | Lawful development certificate for a single storey rear extension. | Approve<br>09-03-17              |
| FP/23/10/T  | Tree surgery to 2 no. Yew trees                                    | ApproveConditionally<br>24-03-10 |

FP/56/03/T

Light pruning and crown reduction by 20% to one Birch and two Yew trees.

ApproveConditionally  
09-05-03

FP/170/99/

Proposed single storey side and rear extensions and new dormer window

ApproveConditionally  
04-01-00

Relevant planning history noted.

**REPRESENTATIONS**

Objection from Parish Council - insufficient and inaccurate information. No photos as stated in the application and not clear on the drawings within the plan where the trees are.

One objection from nearby occupier stating the trees have no public amenity value and are not aesthetically pleasing.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

**CONSULTATIONS****CONSULTATION RESPONSES RECEIVED:**

I have considered this application by means of a desktop review, using the plan and photos submitted as well as online resources.

The applicant currently has a valid Approval (subject to conditions) for specified reduction in height and crown spread of both trees, under FP/49/20/T.

Outwardly and from a distance both trees appeared to be in a fine physiological state (insp. May 2020), albeit with a heavily modified crown - the upper part visible from the road and displaying a balanced, compact profile.

Historic reduction pruning has diminished their landscape value, but they are long-established and remain visible from surrounding properties and in part to traffic accessing/exiting this part of the estate. As such, they have public amenity value.

Conclusion:

Evidence must accompany an application where an allegation of damage to property is made. No evidence (such as a written technical report) has been provided in support of the stated reasons and despite the applicant stating to have done so.

Recommendation:

I recommend REFUSAL for this application.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

**POLICY CONTEXT**

Built up area boundary.

Tree preservation orders.

**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 comments from the tree officer, it is recommended consent be refused subject to the following informatives.

**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

In the absence of expert arboricultural advice to demonstrate the damage to property the loss of the trees would cause harm to the amenity of the local area.