



Phoenix House, 15 East Avenue, Middleton-on-Sea, West Sussex, PO22 6EG

[REDACTED]

13th February, 2021.

Ms. Z. Toppin,
Planning department,
Arun District Council,
Maltravers Road,
Littlehampton,
BN17 5LF

Dear Ms. Toppin,

Re: Application M/4/21/T – Tree T23, East Avenue, Middleton.

I am writing in support of the above application, and note that no objection has been raised by Middleton Parish Council.

I would respectfully request that this letter and the information submitted in other documents on this website are examined and considered very carefully. The reason being that it is understood from a letter dated 12th October 2020 from the Minister of State for Housing that contributions from members of the public on matters relevant to planning issues of a particular development must be regarded as material considerations, and therefore due weight should be given to them.

Applications to fell TPO trees which are healthy are often refused on the grounds of “no arboricultural reason”, or that the felling will be “detrimental to the amenities of the locality” or similar comment.

However, I submit that in this case these reasons are not valid and there are good reasons for the approval of this application, as follows:

1. The tree’s roots have severely damaged the adjacent paved driveway. Two Chartered Surveyor’s reports and other information and photographs elsewhere on this website show the damage, and that the roots cannot be removed without endangering the tree (as commented by the Council in a previous application), nor can the driveway be diverted or altered in any way to practically accommodate the roots.
2. There are numerous instances where the Council has approved felling of a healthy TPO tree that is damaging (or has potential to damage) adjacent walls/buildings/driveways/paving by root action etc. and it is expected that the Council will be consistent in its decision-making in this case, bearing in mind well known Case Law requiring LPAs to show consistency in decision-making. One such instance is BR/258/17/T – re tree T1, as referred to

under 6. below. I reserve the right to refer to others if this matter should progress to Appeal.

3. A hard surfaced driveway is needed for the approach to future development of the site it serves, and which originally served a double garage. The need for this is explained in a document on this website. Such a surface cannot be laid over the roots, as explained in documents and pictures on this website. Future development will require drains to be laid through the area occupied by these roots, which will ultimately endanger the drains themselves.
4. The applicants have undertaken to replace the tree with a high quality tree as recommended by the Council's Arboriculturist Officer.
5. The removal (and replacement) of this tree will have no detrimental effect upon the amenities of the locality, as shown in a document and photographs on this website. There are 97 trees on the verges of Harefield Estate, including 35 of the same or similar species to tree T23. And 21 trees on East Avenue, including 11 of the same or similar species to tree T23. The document very clearly shows that the removal (and replacement) of this single tree will have no detrimental effect at all upon the character or amenities of the locality.
6. The Harefield Estate Residents Association is anxious to preserve the tree-lined nature of the estate. This tree is one of a larger number of the same species originally planted at the same time in the 1930s, and a number have since been lost, usually due to age and high winds, and replaced. The remainder, including this tree, are now excessively tall and unattractively long-stemmed. The Association recognises that due to their age more will be lost in the foreseeable future, and is sensibly pursuing a rolling programme of replacement to ensure that new trees will be maturing in time to offset this loss. They wish to incorporate the removal of this tree and its replacement with a quality tree as part of this programme, so as to maintain the character of the estate into the future.
7. The Council has previously granted itself permission to remove and replace an almost identical and healthy TPO tree on its own land in identical circumstances under application BR/258/17/T – tree T1. The only reason supporting that removal was damage to adjacent driveway by the roots of the tree. However, in that case the loss of the tree had a very noticeable effect upon the amenities of the locality, the Council's Arboriculturist Officer commenting: "It makes a significant contribution in the landscape and merits its TPO status". Well known Case Law requires Council planning decisions and reasons to be consistent, and that is expected in the case under consideration.
8. There are other occasions where the Council has approved applications to remove and (sometimes) replace a healthy TPO tree, that removal having a significant effect on the character and amenity of the locality, and also there has been no satisfactory arboricultural reason. I will not recount them all, but reserve the right to do so if this matter should go to Appeal. However, I will mention one other, which is AW/75/17/TC – not TPO but equivalent, being in a Conservation Area. The reason for removal accepted by the

Council was that the tree “does not flower” and that the Arboriculturist Officer “can foresee issues with vehicular access and pressures to prune coming up”. If that reasoning is adequate to support removal, then all the reasons quoted above and in the information on this website are more than adequate.

In view of all the foregoing I respectfully submit that it is eminently reasonable and consistent for the Council to approve this application, and I request that it does so.

Yours sincerely,



Hugh Coster