

Development Management Delegated Decision Report

B/20/0306



SUMMARY OF APPLICATION				
Application Reference	B/20/0306			
Application Type	Notification to carry out works on trees			
Proposal	Application for works to trees within a conservation area to include: Tree A - Leylandii - Fell Tree B - Robinia - Prune and removal of dead wood			
Location	47, Spilsby Road, Boston, PE21 9NX			
Applicant	Mrs Kirsty Barrett			
Agent				
Received Date:	19-Aug-2020	Consultation Expiry Date:		
Valid Date:	19-Aug-2020	Statutory Expiry Date:	30-Sep-2020	
Date of Site Visit:	17-Sept-2020	Extension of Time Date:		
Objections received?	None			
5 day notification record: Not applicable				
	Councillors notified	Date	Response received – date	Ok to continue
Recommendation	Do not make a tree preservation order in respect of these trees			
Report by:	Simon Eldred			
Date:	21 st September 2020			



OFFICER REPORT

SITE AND SURROUNDINGS:

This notification concerns:

- a false acacia with an estimated height of 7.5m which is growing in the front garden to 47 Spilsby Road. It is located immediately behind a low, railing-topped wall which marks the property's boundary with the footway; and
- a leyland cypress with an estimated height of 7.5m which is growing in the rear garden to 47 Spilsby Road. It is located close to the boundary with 45 Spilsby Road and approximately 3m behind a garage building.

DETAILS OF PROPOSAL:

It is proposed to:

- remove deadwood from the false acacia, and to prune it to prevent it from overhanging the footway and 49 Spilsby Road, and to prevent it from fouling telephone wires; and
- fell the leyland cypress because of its proximity to buildings, and to alleviate excessive shading.

RELEVANT HISTORY:

In 2012, notice was given (B/12/0254) of the intention to carry out works on a false acacia and a magnolia, and to fell a cherry tree and an apple tree.

In 2016, notice was given (B/16/0479) of the intention to carry out works on a lawsons cypress.

On both occasions, the Council decided not to make tree preservation orders.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The trees are located within the Boston (Spilsby Road) Conservation Area. In considering a Section 211 Notice, the Borough Council essentially has two options: to make a tree preservation order if justified in the interests of amenity; or to decide not to make a tree preservation order, in which case the proposed works can be carried out.

The provisions of the Government's Planning Practice Guidance are of relevance. The Guidance states that, in deciding whether a tree in a conservation area merits TPO protection "the authority's main consideration should be the amenity value of the tree. In addition, authorities must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Even if the tree's amenity value may merit an Order the authority can still decide that it would not be expedient to make one."

CONSULTATION RESPONSES:

No consultation responses have been received.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

This part of the Conservation Area contains many mature and semi-mature trees, which contribute positively to its character, particularly those within the grounds to Holy Trinity Church and in front of the terraces to the Church's north-east (on the opposite side of Spilsby Road). In contrast the two trees affected by this notification have relatively little public amenity value:

- although the false acacia is prominently located, it is only relatively small in size. Thus, although clear views of it are available from the highway, it contributes only modestly to the character of this part of the Conservation Area. It is an unexceptional specimen, which shows signs of having been pruned previously. Its limited public amenity value will not be greatly reduced by the proposed works, and it is considered that the proposed pruning is well-justified. In short, the tree does not have sufficient amenity value to merit tree preservation order protection, and the proposed works will cause negligible harm to the Conservation Area's character; and
- the leyland cypress is located approximately 30m from the highway to the rear of a garage building. These facts, combined with its modest size, mean that its contribution to the Conservation Area's character and appearance are extremely limited. It is considered that this tree does not have sufficient amenity value to merit tree preservation order protection, and that its removal will cause no harm to the Conservation Area's character.

CONCLUSION:

The proposed works will have only very limited impacts upon local amenities or the character and appearance of the Conservation Area.

RECOMMENDATION:

Do not make a tree preservation order in respect of these trees.