

Development Management Delegated Decision Report

B/20/0356



SUMMARY OF APPLICATION			
Application Reference	B/20/0356		
Application Type	Notification to carry out works on trees		
Proposal	Application for works to trees within a conservation area to include: T1- Unknown species - remove to ground level T2 - 4: Sycamores - reduce crown by 50% and prune back long branches		
Location	Adj to Copperfield, Low Road, Wyberton, Boston, PE21 7AP		
Applicant	Mr Stephen Webb		
Agent			
Received Date:	25-Sep-2020	Consultation Expiry Date:	
Valid Date:	29-Sep-2020	Statutory Expiry Date:	10-Nov-2020
Date of Site Visit:	08-Oct-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:	8 th October 2020		

OFFICER REPORT

SITE AND SURROUNDINGS:

The notification affects four trees, growing in a line at the top of the Town Drain's southern bank, and immediately to the north of a 2m-high close-boarded fence which defines the northern boundary of the dwelling known as Copperfield. The trees are (from east to west):

- T1 – a tree of unknown species, which is approximately 8m in height;
- T2 – a sycamore, which is approximately 12m in height
- T3 – a sycamore, which is approximately 13m in height; and
- T4 – a sycamore, which is approximately 10m in height.

DETAILS OF PROPOSAL:

It is proposed to:



- fell T1. These works are proposed because the applicant believes that this tree is dying and that its felling is necessary to prevent damage being caused by falling branches;
- prune back long branches and reduce the heights of T2 to T4 by 50%. These works are proposed to reduce overshadowing to the gardens of Copperfield and the neighbouring bungalow.

RELEVANT HISTORY:

No relevant history.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The trees are located within the Wyberton 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:

The character of Wyberton Conservation Area benefits greatly from the presence of large numbers of mature trees, but most are located to the east of Low Road – to the north and south of Church Lane. The land to the west of Low Road (where these trees are located) is considerably less verdant and, as a consequence, individual specimens potentially take on greater visual significance.

These four trees: are not mature; are of a relatively modest size; and, thanks to their proximity to one another, have a predominantly vertical character (i.e. their canopies are more limited in their spread than one would expect given their height). Furthermore, at the site visit, it was noted that trees T1 and T4 had sparse canopies and, although no obvious signs of disease were apparent, it may be that these trees are not in the best of health. Nonetheless, they are all highly visible from public vantage points and, particularly from the south, make a contribution to the character of their surroundings. In all, however, it is considered that:

- their public amenity value is relatively limited; and
- their contribution to the character and appearance of the Wyberton Conservation area is modest.



The proposed works will undoubtedly impact negatively upon the character of the Wyberton Conservation Area to a limited degree, but it is considered that the four trees do not have sufficient amenity value to merit tree preservation order protection.

CONCLUSION:

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

RECOMMENDATION:

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

Advisory Note to be attached to DN:

Whilst the Council has decided not to make Tree Preservation Order, it is recommended that the proposed works (beyond those permitted under common-law rights) are not carried out without the consent of the trees' owner.