

# Development Management Delegated Decision Report

B/21/0439



## SUMMARY OF APPLICATION

<b>Application Reference</b>	B/21/0439		
<b>Application Type</b>	Notification to carry out works on trees		
<b>Proposal</b>	Application under s211 for works to trees within a Conservation Area to include: 2no. conifers (specific species unknown) (T1 & 2) - Fell -To be replaced by smaller, slow-growing ornamental cherry trees Birch (T3) - Fell - No replacement proposed due to location Holly Tree (T4) - Fell - No replacement proposed due to location		
<b>Location</b>	114, Spilsby Road, Boston, Lincolnshire, PE21 9NS		
<b>Applicant</b>	Mrs Penelope Vine		
<b>Agent</b>			
<b>Received Date:</b>	30-Sep-2021	<b>Consultation Expiry Date:</b>	
<b>Valid Date:</b>	30-Sep-2021	<b>Statutory Expiry Date:</b>	11-Nov-2021
<b>Date of Site Visit:</b>	01-Oct-2021	<b>Extension of Time Date:</b>	
<b>Objections received?</b>			
<b>5 day notification record:</b>			
<b>Councillors notified</b>	<b>Date</b>	<b>Response received – date</b>	<b>Ok to continue</b>
<b>Recommendation</b>	Do not make a Tree Preservation Order in respect of these trees.		
<b>Report by:</b>	Peter Udy		
<b>Date:</b>	01-Oct-2021		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The dwelling is close to the junction of Spilsby Road and Hospital Lane. It therefore has a highway to the front and the rear of the property. Spilsby Road has more trees along it than Hospital Lane.

### DETAILS OF PROPOSAL:

There are two tall conifer trees on the boundary with number 112 Spilsby Road, which are in the front garden of number 114 Spilsby Road. It is proposed to fell these and replace with two ornamental Cherry trees. There are also a Birch (originally described as a Beech) and a Holly close to the same boundary with number 112 Spilsby Road but located in the rear garden of



number 114 Spilsby Road. The Holly is close to the wall of an outbuilding that is served from Hospital Lane. These are causing structural damage and are not intended to be replaced.

**RELEVANT HISTORY:**

No relevant planning history.

**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:**

The most prominent trees are the two conifers in the front garden. They are similar to the Norway Spruce 'Christmas Tree' but have softer foliage. Views of them are shielded by existing tree cover along Spilsby Road. This is greatest to the northeast where views do not open up until very close to the Hospital Lane junction. From the southwest they are screened by trees near Holy Trinity church, which is further away than Hospital Lane is on the other side. A Cherry Tree in the front of 112 Spilsby Road has been pruned (B/21/0139) and this has opened up views of the lower more bushy parts of the conifers. They can also be seen from Hospital Lane above the dwelling.



They are a forest tree and are close to both dwellings. It is not considered they are an appropriate tree for the position since they will not like being pruned and are large trees close to the dwellings and the footway.

It is proposed to replace them with ornamental cherry trees and this will coordinate with the lopped cherry next door.

The Holly is taller than the ridge of the outbuilding. Although visible from Hospital Lane it is not a dominant feature. The Silver Birch tree has similar proportions to the Holly. Neither are sufficiently prominent to justify protection from a TPO. Both trees are shown in the left photograph below. The right one shows they are not prominent to the right of the two conifers.



**RECOMMENDATION:**

Do not make a Tree Preservation Order in respect of these trees.