

Development Management Delegated Decision Report

«Apn_Number»



SUMMARY OF APPLICATION				
Application Reference	B/22/0172			
Application Type	Notification to carry out works on trees			
Proposal	Application under s211 for works to trees within a Conservation Area to include: T1- Eucalyptus - Cut to ground level T2 & T3 Birch - Reduce by 30% T4 - Maple - Reduce by 30%			
Location	74, Spilsby Road, Boston, PE21 9NS			
Applicant	Mr Aston			
Agent	Mrs Judith Hill, A Mitchell T/as P & P French Tree Servic			
Received Date:	20-Apr-2022	Consultation Expiry Date:		
Valid Date:	20-Apr-2022	Statutory Expiry Date:	01-Jun-2022	
Date of Site Visit:	30 th May 2022	Extension of Time Date:		
Objections received?				
5 day notification record:				
	Councillors notified	Date	Response received – date	Ok to continue
Recommendation	Do not make a tree preservation order in respect of these trees			
Report by:	Lewis Humphreys			
Date:	30-05-22			



OFFICER REPORT

SITE AND SURROUNDINGS:

The site is a semi-detached listed building, situated on Spilsby Road, Boston and within the Boston Conservation Area. The notification concerns a number of trees within the rear garden of the property.

T1 is a Eucalyptus, situated along the western boundary and approximately 7-8 meters in height, T2 and T3 are birches set close to the eastern boundary and approximately 6-7m in height, and T4 is a Maple set near the western boundary, closer to the dwelling than the other trees and also approximately 7m in height.

DETAILS OF PROPOSAL:

The application seeks to fell T1 and seeks to reduce T2, T3, and T4 by 30%

RELEVANT HISTORY:

B/22/0038 – Application made under S.211 for works to trees in the Conservation Area To reduce 2 no. Plane Trees along the front boundary of 74 Spilsby Road

B/13/0099 Application made under S.211 for works to trees in the Conservation Area including;

- Reduce 2 no. London Plane Trees by 20%, Crown Raise, Clean and Shape at number 74 Spilsby Road;
- Reduce 2 no. Silver Birch by 25% and 40%, Crown Raise 1 no. Eucalyptus and 1 no. Holly Tree at number 74 Spilsby Road;
- Reduce 2 no. London Plane Trees by 20%, Crown Raise, Clean and Shape at number 76 Spilsby Road;
- Reduce 1 no. London Plane Tree and 1 Acer Tree, Tip Prune and Shape at number 78 Spilsby Road;
- Reduce 2 no. Acer Trees, Tip Prune and Shape at number 80 Spilsby Road.

B/13/0412LBC & B/13/0413 Replacement of single-glazed timber sash windows with double glazed timber sash units and demolition and replacement of existing attached garage. Granted – 07/01/2014.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The tree is 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 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."

The Guidance indicates that 'amenity' "is not defined in law" ... but that ... "Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future. When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking account of the following criteria:

- **Visibility** – The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.
- **Individual, collective and wider impact** – Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including: size and form; future potential as an amenity; rarity, cultural or historic value; contribution to, and relationship with, the landscape; and contribution to the character or appearance of a conservation area.
- **Other factors** – Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order."

CONSULTATION RESPONSES:

None received

THIRD PARTY REPRESENTATIONS RECEIVED:

None received

EVALUATION:

The character of this part of Spilsby Road is particularly verdant along the street frontage. The rear garden of the site is also verdant with the cumulative impact of all trees making a positive contribution to the setting of the Listed Building, although the rear gardens along the wider street are less verdant and this is not a current trait among this row of properties barring the occasional large tree.

The eucalyptus would not harm the character of the Conservation Area if it were removed and the tree is not widely visible in the street scene. Similarly the pruning of T2, T3 and T4 would not harm the character of the Conservation Area or have a visible impact on the street scene.

CONCLUSION:

The proposed works will have very limited or no impacts upon local amenity or the character and appearance of the Conservation Area.

RECOMMENDATION:

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