

Development Management Delegated Decision Report

B/22/0193



SUMMARY OF APPLICATION			
Application Reference	B/22/0193		
Application Type	Notification to carry out works on trees		
Proposal	Notification under s211 for works to trees within a Conservation Area to include: T1. Crown Raise trees/hedgerow to 8-10 foot above pedestrian pathway and trim back overhang away from pathway, T2. 20% crown thin and crown raise to 8-10 foot on yew trees in the garden side, T3. Reduce the overhang over the garden lawn of the tall conifer trees (garden side)		
Location	113, Spilsby Road, Boston, Lincolnshire, PE21 9PE		
Applicant	Miss Megan Favell		
Agent	Mr Ben Melson, BM Arboriculture & Garden Care		
Received Date:	04-May-2022	Consultation Expiry Date:	N/A
Valid Date:	04-May-2022	Statutory Expiry Date:	15-Jun-2022
Date of Site Visit:	19-May-2022	Extension of Time Date:	---
Objections received?	N/A		
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	Do not impose a Tree Preservation Order		
Report by:	Emma Dennis		
Date:	20 Th May 2022		

OFFICER REPORT

SITE AND SURROUNDINGS:

This notification concerns three trees (T1, T2 & T3) located along the side boundary and adjacent to the public footpath (Tollfield Road). The whole site is within the Boston (Spilsby Road) Conservation Area, located on the south-east side of Spilsby Road.

DETAILS OF PROPOSAL:

It is proposed to:

- T1 - Crown raise the trees/hedgerow to approximately 2-3m above footpath and trim back the overhang away from the footpath which runs along Tollfield Road,



- T2 - 20% crown thin and crown raise to 2-3m on yew trees (garden side),
- T3 - Reduce the overhang over the garden lawn of the tall conifer trees (garden side).

RELEVANT HISTORY:

B/06/0429 – Removal of conservatory and garage

B/06/0430 - Application to fell No 1 Silver Birch Tree and No 1 Holly Tree

B/07/0165 – Change of use of dwelling to form 6 flats, extension to barn to form separate dwelling and formation of car parking area

B/07/0183 - Application for conservation area consent to demolish porch and timber garage

B/07/0227 - Trimming and reduction of 22no trees that form the boundary of Tollfield Road

B/07/0371 – Resubmission of application ref; B/07/0165 for the change of use of dwelling to form 6 flats, extension to barn to form separate dwelling and formation of car parking area

B/11/0322 – Application under s.211 for works to trees in a Conservation Area

B/12/0034 – Notification of works to trees in a Conservation Area for the removal of Conifers B1-B8

B/12/0098 - Installation of a 1.8m high close boarded fence in front of the existing tree line fronting Tollfield Road

B/14/0091 – Application under Section 211 for works to trees in a Conservation Area to include - T1 (Acer) - Reduce in size by 1/3

B/15/0203 - Works to trees to remove smaller stem of Acer tree that lean over Tollfield Road

B/16/0148 - Application under s.211 for works to trees in a conservation area:
Acer - reduction of crown by 1/3 on safety grounds

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The trees are located within the Boston 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 this part of the Conservation Area is greatly benefitted by the established trees and hedges along both sides of Spilsby Road and along the side of the application site which runs along Tollfield Road.

T1 – This is a line of established hedgerow and trees which run along the Tollfield Road boundary of the application site. Due to its location, these are highly visible from the public highway, several branches hang down over the public footpath and partially cover highway signage. The proposed works will reduce the height, however it is not considered to have a significant impact upon their amenity value or the Conservation Areas character and appearance.

T2 – Yew trees are located in the rear garden. These are modest in size, and cannot be seen from public vantage points. As a consequence, they have no public amenity value, and their reduction will have no impacts upon local amenity or the Conservation Area’s character and appearance.

T3 – These are not particularly large specimens of conifer trees, located on the boundary. It is proposed to trim them back on the garden side. Due to the works being on the garden side, it is not considered to have a significant impact upon their amenity value or the Conservation Areas character and appearance.

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.