

**Application Number: TPO 2 of 2020**

**Recommendation – Approve**

**Site: 63 Sompting Road Lancing West Sussex BN15 9LB TPO**

**Proposal:**

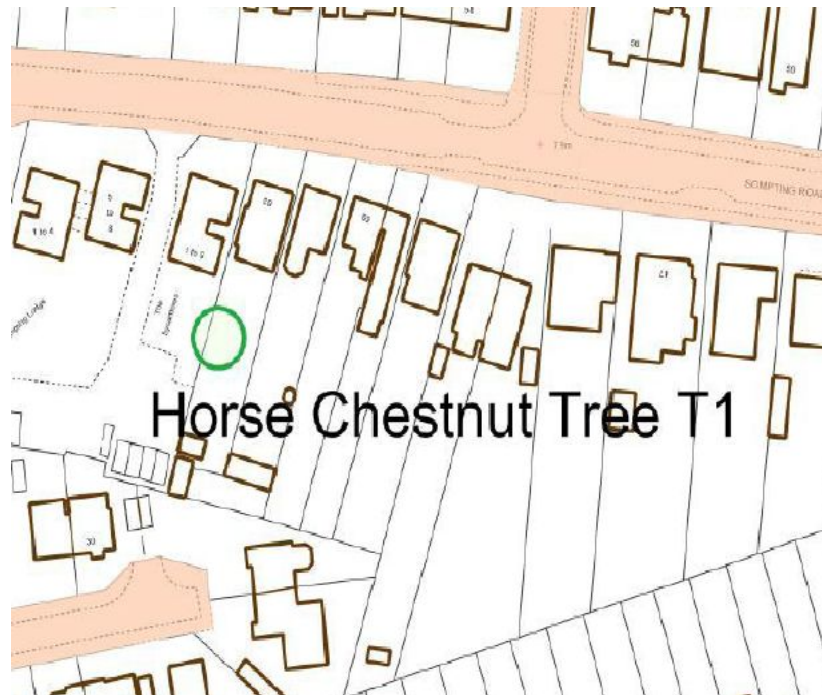
**Confirmation of Adur TPO No.2 of 2020 63 Sompting Road Lancing West Sussex**

Case  
Officer:

Jeremy Sergeant

Ward:

Churchill Ward



**Not to Scale**

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### **Proposal, Site and Surroundings**

On the 18<sup>th</sup> August 2020 a provisional Tree Preservation Order was placed on one Horse Chestnut tree in the rear garden of 63 Sompting Road Lancing West Sussex.

The order refers to a tree growing near the centre of the western boundary of the rear garden of 63 Sompting Road, adjacent to the communal area of The Sycamores. The TPO has been made as the tree owner had concerns that there is pressure to remove the tree from residents of the apartment block of the Sycamores. The tree is a feature of the area and is considered important to its visual amenity and character.

## **Relevant Planning History**

None

## **Representations**

Three letters of objection have been received from nearby residents, see attached. The neighbour's objections are that the tree is too large, the wrong species, causing excessive shade and a possible danger. Also it is claimed that the tree is damaging the nearby concrete footpath, interfering with television reception and that it is not a tree that is significant to the area.

The tree has been previously reduced and as with many protected Horse Chestnut trees, this is a recognised maintenance regime for them to be grown in urban areas. There are conflicting accounts of the regularity of these works within the representations and from the tree owner. As further works would be given approval issues such as shade and overall size can be addressed.

Another concern raised is the damage caused to the adjacent concrete footpath within the communal area of the Sycamores. As with many mature trees it is possible that they can lift lighter structures such as paths and slabs etc. Although the damage may be caused by the tree, its removal will not solve the concerns, therefore other engineering solutions could be considered. The issue of the tree interfering with television reception appears to have been resolved by aiming at a different transmitter, and is not within the scope of a Tree Preservation Order.

It is also claimed that the tree is not significant to the area and that its retention should be between neighbours. Although it is agreed that the tree is a lower prominence to the street scene, it is visible from the road and provides a backdrop to the low rise building of number 63 Sompting Road. The Local Planning Authority has the powers to protect trees which they consider to be warranted.

The representations are attached as an appendix.

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 16

Worthing Local Plan (WBC 2003) (saved policies): H18

National Planning Policy Framework

Circular 04/07 'Tree Preservation Orders: A Guide to the Law and Good Practice' (DETR 2000).

## **Planning Assessment**

The tree is a good specimen that meets the tests for Tree Preservation Orders: the Adur and Worthing Council Tree Preservation Order – Survey and Decision Guide, as agreed by the Joint Planning Committee. The reason for protecting this tree is that it is an

established feature of the area and its removal would be detrimental to character and visual amenities of the area and the street scene.

The tree is a large mature growing near the western fence line between 63 Sompting Road and The Sycamores. The tree has a large diameter central stem that persists to 4 metres, where it then divides into two, each secondary stem dividing again at 4.25 meters forming the wide rounded main crown. The tree has been maintained with regular reductions in height and spread.

The Tree Prevention Order is to ensure the retention of the tree with any concerns being dealt with by approved pruning, engineering and other solutions. In the interests of local amenity it is recommended that the TPO is confirmed.

### **Recommendation**

**That Adur Tree Preservation Order Number 2 of 2020 be confirmed as made.**

ADUR &amp; WORRENTON

26 AUG 2020

PLANNING SERVICES

61 Sompting Road  
Lancing  
West Sussex  
BN15 9LB22<sup>nd</sup> August 2020

Mr Jeremy Sergeant  
Senior Tree and Landscape Officer  
Development Management  
District Council of Adur  
Portland House  
44 Richmond Road  
West Sussex  
BN11 1HS

Dear Sir

**Town and Country Planning Act 1990**  
**Town and Country Planning (Tree Preservation) (England) Regulations 2012**  
**The District Council of Adur Tree Preservation Order Number 2 of 2020**  
**63 Sompting Road, Lancing**

Thank you for your letter dated 18<sup>th</sup> August 2020 regarding the above which was delivered to my above address by hand.

As a retired former Chartered Surveyor and Chartered Town Planner, I would like to offer the following comments for your consideration.

The tree concerned is not an appropriate species to be sited in close proximity to dwellings. It is a tree better suited to large open spaces or woodlands and not in close proximity to property. Having said this I acknowledge that the owner/occupier of No 63 Sompting Road has for the last 30 years maintained this tree by regular pruning/lopping every 3 to 4 years by a professional Tree Surgeon which has meant that the tree growth has been managed to try to contain it within the constrained environment within which it is unsuitably positioned. I also am aware that the Owner/Occupier of No 63 is due to undertake more tree lopping again in early November this year as part of this tree maintenance regime.

**First reason for making this Tree Preservation Order – Visibility/Impact on Amenity and Character of the area.**

The public places that this tree can actually be seen from are very limited and are as follows:

- 1) The only place the full height of the tree can be publicly seen is by looking between No 63 and The Sycamores from Sompting Road
- 2) The top 2 metres of the tree can be seen in the medium to far distance looking from a couple of distant locations in Sompting Road (buildings permitting)
- 3) The top few metres of the tree can be seen in the far distance looking from a few places in Crowshaw Close, but often hidden by buildings and obscured by or merged with other trees.



This tree is not in a conservation area and not by any stretch of the imagination a prominent or established feature in the area and publicly enjoyed local environment and if it were removed there would be no significant negative impact on the local environment and its enjoyment by the public. Indeed I think that most members of the public would not even realise it had been removed. Therefore it does not warrant the confirmation of the order and I feel that it would be extremely difficult for the Local Planning Authority to be able to credibly demonstrate and justify otherwise.

**Second reason for making this Tree Preservation Order – Threat to fell or reduce the tree from “The Sycamores”.**

I am aware that in the last few weeks the Owner/Occupier of No 63 has had some disagreements with Owners/Occupiers of one or possibly more of the adjacent flats at “The Sycamores” and demands have been made by them to remove this tree because it “interfered with their TV signals”.

This dispute is a private matter which the Local Planning Authority should not be drawn into and is up to the Owner/Occupier of No 63 to resolve amicably and responsibly with the management of “The Sycamores”. Although you refer to “pressure” from nearby neighbours the tree is located within the boundaries of No 63 and is responsibly maintained to a high standard of arboriculture practice and has been for the last 30 years to my knowledge.

If the Owners/Occupiers of “The Sycamores” decide to take matters into their own hands and materially damage the tree directly, which I think is highly unlikely since legally they are only allowed to “prune back to the boundary” which would approximate to the reduced tree size achieved by the responsible periodic 3 or 4 year lopping regime currently undertaken by the Owner/Occupier of No 63.

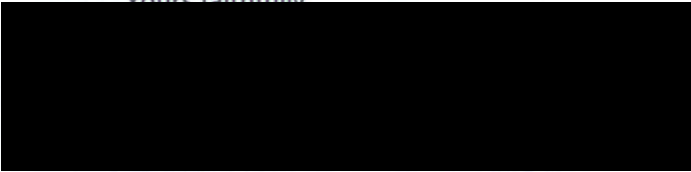
There is therefore, no significant tangible threat to this tree.

Finally I do not wish to be drawn into a private dispute between the Owner/Occupier of No 63 and “The Sycamores” and also strongly believe that The Council should not be expending scarce Council resources in intervening in what is essentially a private dispute.

I hope you find the above comments of assistance in deciding not to confirm this Tree Preservation Order.

For your additional information the description of the tree’s location as documented in Schedule 1 of the Tree Preservation Order is incorrect. The tree is close to the western boundary of No 63, not the northern boundary as stated in Schedule 1. If the tree was close to the northern boundary and in front of the houses fronting Sompting Road it definitely would be a prominent feature of the local environment as enjoyed by the public. Unfortunately it is not.

Yours faithfully,



Gary R Levett BSc (Hons) BTP

Retired and former ARICS and MRTPI



ADUR &amp; WORTHING

26 AUG 2020

PLANNING SERVICES

FLAT 4

THE SYCAMORES.  
65. Sompting Rd.

LANCING

WEST SUSSEX.

BN15 9LB.

24.8.2020.

Dear Sir,

I am writing to object to the preservation order of the very large tree in the grounds of 63. Sompting Rd. It is very nicely pruned back and the thick branches and leaves overhang out properly at No. 65 Sompting. It has grown so large it now prevents daylight from getting to my bedroom window. very annoying. And then 3 weeks ago I could get no picture on my T.V. SET so I had to call in the T.V. Repair Man. He tried to get a picture to no avail he then said I think I know the problem. you are not receiving a signal to your Aerial the large tree is preventing a signal to get to your Aerial, he said the only solution is to take the aerial down & replace it with a new aerial on the side of the building so I said okay try that once he had done this I got a very good picture straight away. so it was the tree causing the problem. so then I had to pay the bill of £240 pounds which I thought was rather dear. After he had gone I thought we had this problem its cost £240 pounds. Through no fault of mine and that the owner of the tree should pay towards the cost.

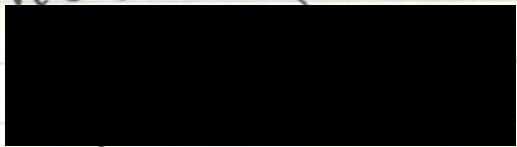


I went next door to 63 to see Mr. PERROTT. After telling him of the events I suggested that he paid half of the bill £120. He became very bullish and dogmatic and said he was not going to pay anything & that the tree was not to blame. - Very upsetting so much got good neighbors so I've had to pay the whole cost £240.

I think the tree should be regularly cut back each year not once every 5-6 years.

I am an EIGHTY NINE year old pensioner not in the best of health. living alone in a 1 bed flat. At my time of life I can do without this hassle & strain.

Yours Sincerely



F.R. MAHST.

Enclosed the T.V. Bill

If you Phone T.V. Man Mr. Duncan he will verify the problem & cost.





# THE TV MAN

☎ 01903 535493    📠 07971 052555

✉ patrick@thetvmanuk.com

🌐 www.thetvmanuk.com

21 Halsbury Rd, Worthing W Sussex, BN11 2JP

Customer's Name: MR MALT

Address: FLAT 4 THE SYCAMORES

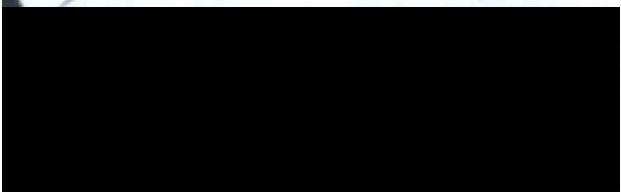
65 SOMPTING RD

SOMPTING

Date: 21/7/2020

Description	Price	
FLAT 43 CM DISH	240	00
<b>TOTAL</b>	240	00

AND



1-2 - 1-4





04.08.2020