

Application Reference: 2024/0986

Site Address: 7 Grange Farm Court, Bolton Upon Dearne

Introduction:

This application seeks permission to crown reduce two Turkey Oaks by 3m up to a height of 11-12m all around the trees within TPO 1/1981

Relevant Site Characteristics

The contemporary yellow stone semi-detached dwelling is located in a small cul-de-sac style development of five pairs of semi-detached houses, leading off Kendal Drive in the village of Bolton-Upon Dearne. The dwelling features a small open plan front garden with parking provision. Front and rear elevation ground floor projections akin to an extension or porch feature on all dwellings. The Turkey Oak trees are part of a group of protected trees located adjacent to the western elevation of the dwelling.

Site History

There has been no site history for the address since planning consent was initially granted for the ten dwellings in 2005 through planning application No. 2005/2063

Detailed description of Proposed Works

The proposed works would reduce the tree canopy of two of the three trees within the protected group of trees, by 3m, which would also reduce the total height of the trees to approximately 11 or 12 meters from ground level.

Relevant policies

The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Primarily the aim of making a TPO is to protect the amenity value of the tree or trees. Local Planning Authorities (LPAs) may make a TPO if it appears to them to be: 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

The Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. Normally trees should be visible from a public place e.g., road or footpath for a TPO to be made but the courts have decided that trees should be protected for "pleasure, protection and shade they provide." Taking this into account trees should be considered for other aspects of amenity that they provide other than visual amenity.

Government advice and guidance available on the administration of TPOs, is: - 'Tree Preservation Orders: A Guide to the law and Good Practice' 2000.

The guidance states that 'LPAs must include in their plans land use and development policies designed to secure the conservation of natural beauty and amenity of the land. Plans should not, however, include policies which are unrelated to the development or use of land. They should not therefore include the LPA's policies for deciding applications for consent under a

TPO; but they should include policies on measures that the LPA will take, when dealing with applications to develop land, to protect trees and other natural features and provide for new tree planting and landscaping.'

In deciding an application, LPAs are not required to have regard to the development plan. Section 54A of the Act, therefore, does not apply to the LPA's decision, which means that there is no general duty on the LPA to make their decision in accordance with the development plan.

Consultations

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015.

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website.

No representations have been received.

Forestry Officer: Refuse

Planning Assessment

Principle

In line with good practice, the aim of making a TPO is to protect the amenity value of the tree or trees. In considering TPO applications the LPA is advised:

- (1) to assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and
- (2) in the light of their assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it. The tree subject to this application is prominent and provides significant amenity value.

Assessment

The Council's Tree Officer briefly inspected the trees and has made the following assessment of the tree and proposed works:

"The trees are large, prominent, mature specimen which are a significant feature in the locality and as such have high amenity value. The works proposed are to heavily reduce the two trees by approximately 3m in height to leave the trees 11-12m high and to reduce the sides to leave a crown spread of 7-8m.

The proposed pruning works go way beyond what can be considered acceptable in terms of best practice. It is generally accepted that no more than a third of a tree's leaf bearing material should be removed in any one pruning operation. BS3998:2010 notes that where a reduction is concerned a 30% reduction in a tree's leafing area equates to approximately shortening the canopy by 12% so as an example a tree with a canopy spread of 5m in every direction from the stem would be shortened back by approximately 0.6m all round to achieve a reduction of 30% of the tree's leafing area. It is therefore demonstrable that reducing the canopy by the amounts proposed to achieve the final

dimensions as noted in the application would go way beyond the maximum reduction in leafing area which could be considered acceptable. On the measurements provided the reduction in height would equate to a reduction in overall height of 20% way beyond the 12% which would equate to the maximum reduction in the trees leafing area. Using google maps the canopy spread overall of the smaller of the two trees is approximately 12m meaning the reduction would equate to approximately 30% of the trees lateral spread, again way beyond the 12% which would be the maximum which could be considered acceptable.

The works proposed therefore are way beyond what could be considered as routine maintenance and would prove damaging to the trees. Likewise no justification as to the reasons that these damaging works have been proposed have provided beyond stating it is to provide suitable clearance from buildings and manage the trees. No clearance distances from the buildings have been provided however, nor has what is considered suitable to the agent and the applicant with regards to this clearance. The meaning of for the management of the trees is also not clear, as what is proposed goes beyond what is considered acceptable management in arboricultural terms. The reasons/justification provided cannot be considered reason to damage highly prominent protected trees.

I therefore feel that there is no option but to recommend that this application be refused due to the damaging nature of the works proposed.”

RECOMMENDATION: Refuse

Justification

The recommendation for refusal has been recommended following the advice of the Forestry Officer which considers the works inappropriate and lacking in justification.

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.