
2022/0226

Mr J Eyre

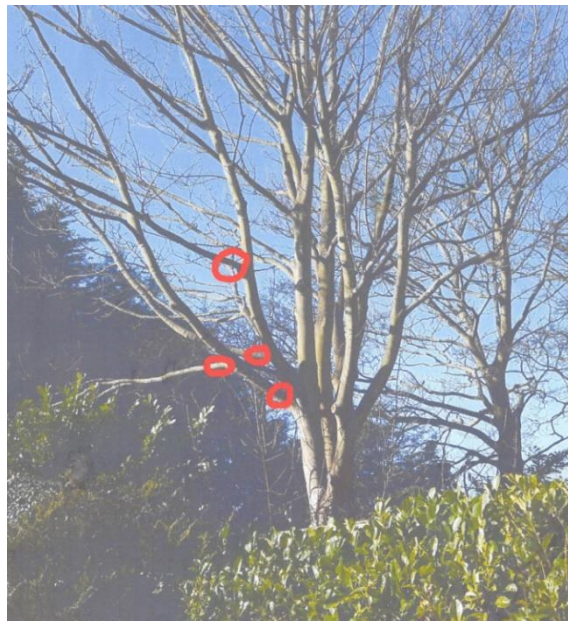
Remove 4no. branches as marked on the application photographs from Sycamore T1 within TPO 11/2005.

1 Latchmoor Close, (Rear of No.11 High Balk) Barnsley, S75 1EU

Site Description

The tree in question is a Sycamore tree which is located within the ownership of 1 Latchmoor Close, however, due to the relationship between the properties and their boundaries, the tree is situated beyond the rear boundary of 11 High Balk, overhanging the boundary between 9 and 11 High Balk.

The tree is a large, mature, highly prominent specimen and is situated within a prominent position within the street scene and can be viewed from the wider area and is a major feature of the new housing development, in which it is located.



Proposed Development

The applicant seeks permission to remove 4no branches as marked on the application photographs from Sycamore T1 within TPO 11/2005.

Policy Context

The statue law on TPO's is in 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 ‘Local Planning Authorities (LPA) 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, 88 therefore, does not apply to the LPA's decision, which means that there is no general duty on the LPA to indicate otherwise.

Consultations

Forestry officer – no objections subject to conditions.

Representations

Neighbour notification letters were sent to surrounding residents; three letters of comment have been received from the surrounding properties; however, two letters are from the same person at the same property. The main points of concern from the remaining letters being that:

- There is deliberate chipping away at the TPO
- Further diminution of the woodland screen
- Impact on screening between the properties on Huddersfield Road and Latchmoor Close and High Balk
- Dilution of biodiversity

Assessment

Principle of development

In line with good practice, primarily 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.

This application relates to a semi-mature, Sycamore tree which is located along the boundaries of 1 Latchmoor Close, 11 High Balk and 9 Woodstock Road, close to the convergence of 67 and 69 Huddersfield Road. The applicant seeks permission to remove 4no branches which are marked on the photo above, these works will act as a crown lift over the garden of the applicant's property (9 High Balk) and represent minor works.

Trees are not protected by Tree Preservation Orders to specifically provide screening value to properties but are protected in their own right because of the intrinsic amenity value they bring to an area and a Tree Preservation Order is not intended to preclude suitable maintenance of trees which may include thinning or pruning works. Any pruning work is ultimately damage to a tree; however, the planning authority must determine whether the works proposed are detrimental. In

this instance the authority is satisfied that the works are well within the bounds of what could be considered acceptable with regards to the current British Standard and as such there are no grounds to refuse these works from an arboricultural perspective.

The tree is outside the applicant's ownership and as such the tree owner's permission will likely be required in order to effect proper pruning cuts without leaving stubs and to ensure the pruning causes as little detriment to the tree as possible.

Recommendation

Approve with conditions