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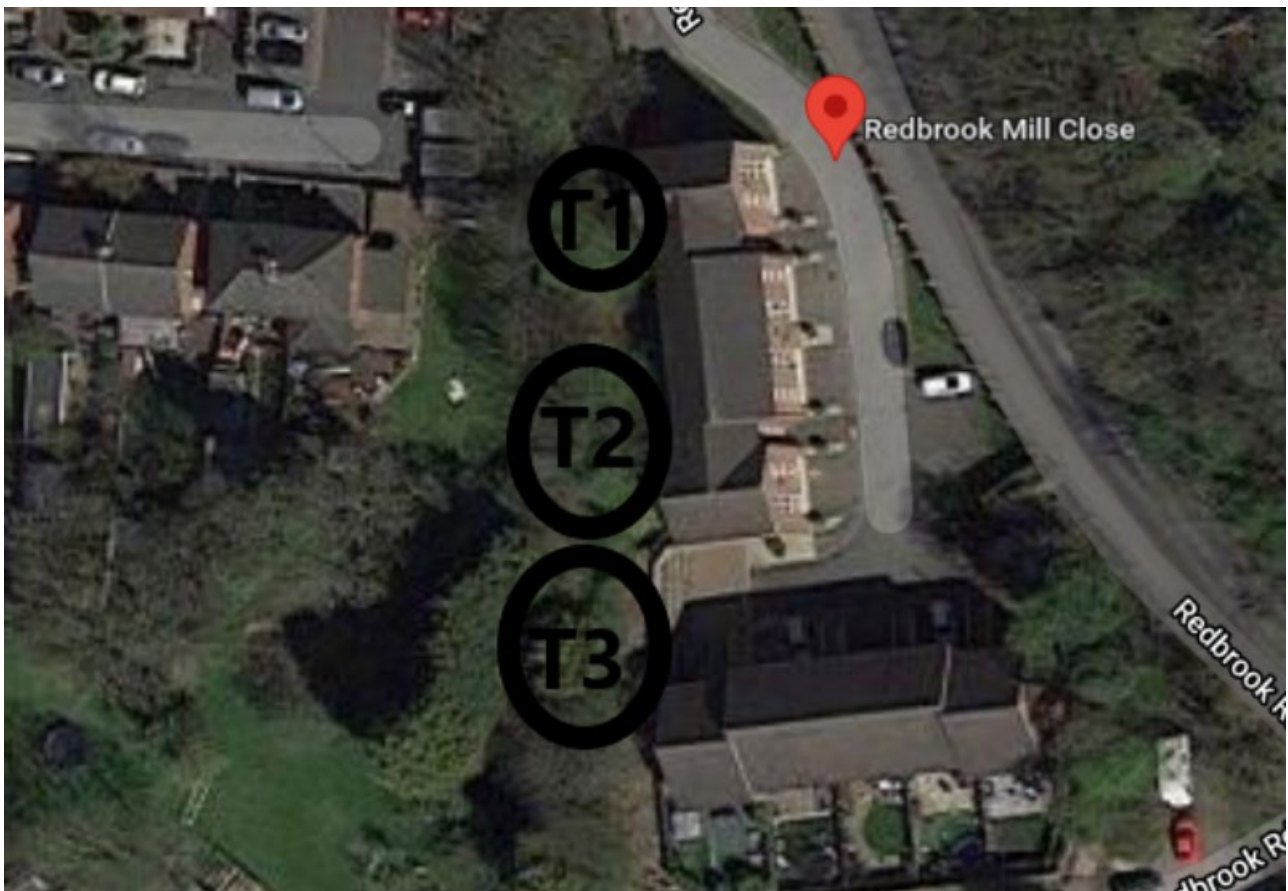
Lucia Padgett

Reduce lateral growth towards building by 2-3m from Sycamores T1, T2 and T3 to give adequate clearance from building within TPO 8/1980

Redbrook Mill Close, Gawber, Barnsley, S75 2HA

Description

The application is in reference to 3 x Sycamore trees which are located on a banking to the rear of the flats on Redbrook Mill Close, Gawber, Barnsley.



Proposed Development

The applicant seeks to reduce the lateral growth towards the building by 2-3m from the trees.

Policy Context

The statute law on TPO's is in the Town and Country Planning Act 1990 and in the Town and Country Planning (Trees) Regulations 2012.

Primarily the aim of making a TPO is to protect the amenity value of the tree or trees. Local Planning Authorities 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.

Consultations

Tree Officer, Ed Jowett – The Sycamore trees are all located on a banking to the rear of the flats on Redbrook Mill Close. The trees have grown significantly and are now in very close proximity to the building; the works applied for are therefore sensible maintenance to ensure the retention of the trees whilst reducing the impacts on residents.

Reducing the trees by 2-3m on the property side is therefore considered sensible maintenance work and the level proposed will not be detrimental to the trees. Therefore, there is no objection to the works from my perspective.

Representations

Neighbour letters were sent to surrounding properties; no comments were received.

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.

As mentioned by the Tree Officer, the trees have grown significantly and are now in very close proximity to the building. The works are therefore sensible maintenance and considered to be reasonable with no objection has been raised from the Tree Officer subject to appropriate conditions and informatives.

Recommendation

Approve with conditions