
2022/0432

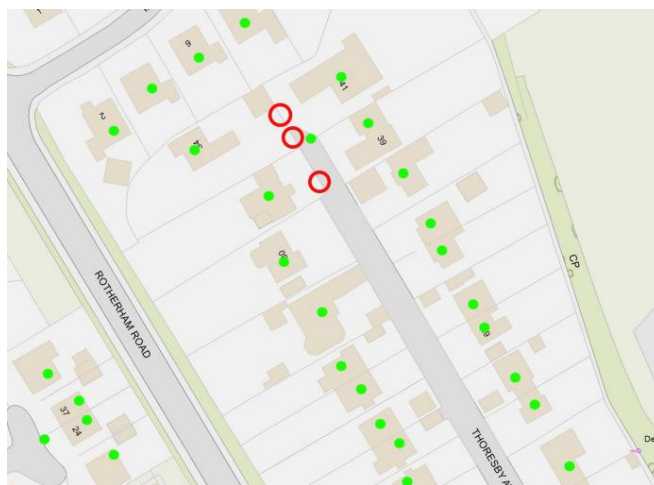
Mrs Lisa Nutt

Crown clean and thin Lime trees on front boundary of 30 and 32 Thoresby Avenue by 15-20% and remove lowest left hand branch over telephone wires from tree at 30 within TPO 7/1989 and TPO 1999

37 Thoresby Avenue, Monk Bretton, Barnsley, S71 2LH

Description

The application is in reference to 3 x mature lime trees located on nos. 30 and 32 Thoresby Avenue in Monk Bretton. The trees have been described by the tree officer as having 'high amenity value'.



Proposed Development

The applicant seeks to crown clean and thin the trees on the front boundaries of nos. 30 and 32 Thoresby Avenue by 15-20% and remove the lowest branch over the phone lines for the tree located at no. 30.

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 trees have not been worked on for some time and due to the nature of the species are now quite dense in terms of their canopies. The works proposed will seek to remove dead and damaged branches and open up the canopy. The branch highlighted in the photo which is to be removed is also very close to the phone wires. The removal of this branch is very minor pruning works and will negate the risk of contact with the phone line. Overall the works can be easily accommodated by the trees without detriment and will alleviate some of the issues the residents will be experiencing.

The works overall are reasonable and considered sensible maintenance. As such there is no objection from an arboricultural 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 not been worked on for some time and are now dense in terms of their canopies. Overall, the works can be accommodated by the trees without detriment and will alleviate some of the issues the residents will be experiencing. The works are reasonable and no objection has been raised from the Tree Officer subject to appropriate conditions and informatives.

Recommendation

Approve with conditions