
2021/1205

L Betts

Remove lowest limb towards the drive from Sycamore T1 and reduce back away from property by 1.5m to suitable retaining points, Sycamores T2 and T3 within TPO 6/1993.

53 Bowden Grove, Dodworth, Barnsley, S75 3JB

Site Description

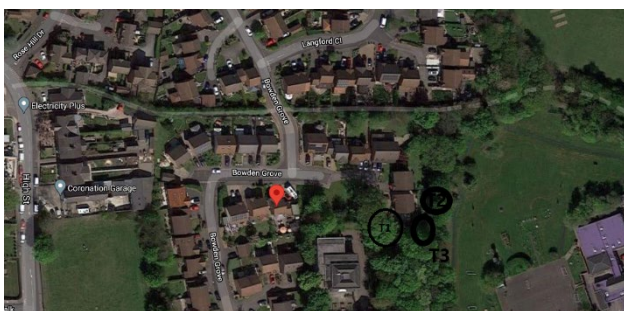
The trees in question are Sycamore trees which surround 53 Bowden Grove, tree T1 is located to the west of the property, to the front, and trees T2 and T3 are located to the east, within the rear garden of the property.

This application relates to 3 mature, high amenity Sycamore trees which are located within Area TPO 6/1993 and covers an area of approximately 2.2ha of a residential estate located off Keresforth Road.



Proposed Development

The applicant seeks permission to remove the lowest limb from Sycamore T1 within TPO 6/1993 and reduce Sycamores T2 and T3 within TPO 6/1993 back away from property by 1.5m, to suitable retaining points.



Policy Context

The statute 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 '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

Forestry officer – no objections subject to conditions.

Representations

Neighbour notification letters were sent to surrounding residents; no representations have been 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.

The trees are large mature Sycamores located to the front and rear of the property; it is proposed are to remove the lowest limb from T1 (approx. 50-75mm diameter) and to crown reduce T2 and T3 by 1.5m to suitable pruning points away from the property.

The proposed works are relatively minor, and no works have been undertaken on these trees for many years, therefore the works can therefore be easily accommodated by the trees and there is no real reason to refuse the proposed pruning in this instance. The Forestry Officer raises no objection to the proposed pruning works from an arboricultural perspective.

Recommendations

Approve with Conditions