
2021/0834

Miss G Pierson

50% reduction in both height and width of Sycamore trees T1 and T2 within TPO 44/2008.

1 Littleworth Lane, Monk Bretton, Barnsley, S71 2JR

Site Description

The area is predominantly residential in nature, with the convergence of Littleworth Lane, Hanbury Close and Burton Road, a busy arterial route linking the Town Centre with the settlements to the north.

The trees subject to this application are located within the rear garden of 1 Littleworth Lane, adjacent to the south eastern side boundary with 3 Littleworth Lane and form part of a band of trees along this boundary.

They are a relatively large and mature specimens of a uniform shape and are situated within a prominent position within the street scene and can be viewed from the wider area.



Proposed Development

The applicant seeks permission to reduce 2no Sycamore trees by 50% in both height and width within Tree Preservation Order (TPO) 44/2008. No justification or reason has been submitted as part of the application, other than the applicant's desire to undertake these works. It is noted that the applicant is not the owner of the tree.

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, LPA's 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 – Recommends that this application be refused as the works are not considered acceptable or in line with best practice as per BS3998:2010.

Representations

Neighbour notification letters were sent to surrounding residents; one letter of comment and one letter of objection have been received from surrounding properties.

The letter of comments states that the grandeur of the trees benefits the area but acknowledges that the trees are large and require maintenance and that any works should be undertaken by a professional.

The objection letter states that they consider the works will decimate the trees and would not be happy with the works, any works undertaken should be done so by a qualified tree surgeon.

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 noted, the trees are relatively large and highly prominent specimens located along the south eastern rear boundary of 1 Littleworth Lane immediately adjacent to the boundary with the applicant property, 3 Littleworth Lane.

The applicant proposes to reduce the height and width of the trees by 50%, the description is a little ambiguous, however the works are interpreted the works proposed are far in excess of any works which could be considered acceptable in arboricultural terms; both in terms of being highly detrimental to the tree due to the level of leafing area to be removed and the aesthetics of the trees once completed.

These works conflict with what is considered best practice as per BS3998:2010 on several counts, in terms of the nature of the work and the level of work proposed.

A 50% reduction in height can only be assumed at best, to relate to removing half of the trees canopy height which would remove a significant percentage of the trees' leafing area, this in addition to reducing the width by 50% would ultimately defoliate the tree and leave very large pruning works, not to mention would decimate the aesthetics of the trees, a main reason why trees are protected by preservation orders.

The level of works proposed, in terms of the amount of canopy to be removed, is beyond what could be considered acceptable. The widely accepted rule is that no more than 30% of the tree's canopy/leaf material should be removed as an absolute maximum as part of a pruning operation.

In addition to the aesthetics, works exceeding 30% can ultimately lead to the decline of the tree as it struggles to compensate for its lost photosynthetic capacity; at best the tree will gain a significant amount of poor new growth to compensate. This is likely to worsen any issues the applicant is currently experiencing and will ultimately lead to many poorly structured and attached branches which would require much more maintenance and monitoring in the future.

The pruning wounds left by undertaking this level of work would likely open up the tree to decay and ultimately cavities which would reduce the lifespan of the tree. Pruning wounds should be kept to an absolute minimum in size in order to allow the tree to compartmentalise the area and form wound wood to strengthen the wound site. The larger the wound, the longer the time it takes to do this, and as such the longer fungal and bacterial pathogens present in the air have to infiltrate the tree through the wound.

Only in exceptional circumstances could heavy reduction works be considered acceptable, however no suggestion that these works are anything other than desired by the applicant have been put forward. There has certainly been no mention of structural issues with the tree or other issues in connection with the works proposed which could justify what has been proposed.

The tree owners have object to the works proposed and as such even if the works were considered acceptable they would not be able to be fully undertaken with only the parts overhanging the applicants property being able to be worked on. This decision does not prejudice any future application and it is recommended if the trees are causing an issue that some sort of consensus is found in terms of works both the owner and the current applicant would be happy with, in conjunction with advice on what works would be appropriate from a suitable arboricultural professional.

Conclusion

In the opinion of the Local Planning Authority, the works proposed do not comply with best practice as per BS3998:2010 in that the 50% reduction in height and width would result in the loss of more than the absolute maximum of the trees leafing area which could be considered acceptable. This would unbalance the tree aesthetically and physically and the creation of many pruning wounds could ultimately open the trees to decay, and as such is unacceptable.

Recommendation

Refuse

In the opinion of the Local Planning Authority, the works proposed do not comply with best practice as per BS3998:2010 in that the 50% reduction in height and width would result in the loss of more than 30% of the trees canopy, which would unbalance the tree aesthetically and physically and the creation of many pruning wounds could ultimately open the trees to decay, and as such is unacceptable.

