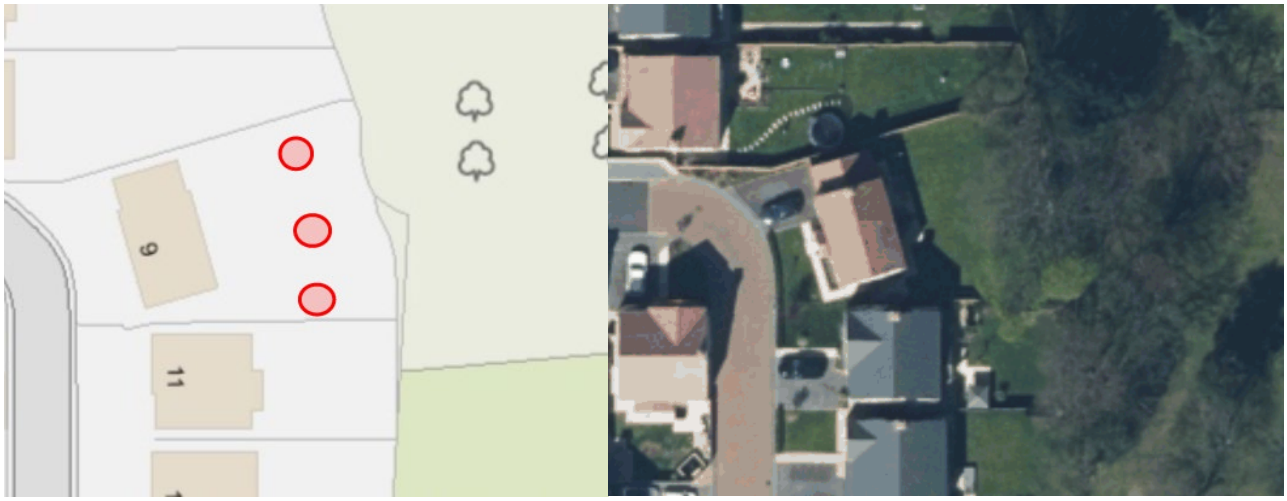
2022/0603
Mr Kevin Scales

Crown reduce Sycamore T14a, Oak T15 and Horse Chestnut T16 by 3m on the property side and remove all dead wood equating to approximately 10% of the trees leafing area within TPO 23/1973

9 Squires Gardens, Ardsley, Barnsley, S71 5PJ

Description

The application is in reference to 3 x trees (Sycamore T14, Oak T15 and Horse Chestnut T16) which all lie within a group TPO listing (TPO ref. 23/1973). The trees in question lie within the rear garden of 9 Squires Gardens in Ardsley.



Proposed Development

The applicant seeks to crown reduce the three trees by 3m on the property side and remove all dead wood equating to approximately 10% of the trees leafing area within TPO 23/1973.

Policy Context

The statue 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 works proposed to the trees are significant and comprise of reducing the canopies of the three trees back by up to 3m away from the property removing no more than 10% of the tree's leafing areas.

The trees are significant specimens in their own right and form an integral part of the treescape of the former Ardsley House gardens and also of the wider tree population incorporating the Crematorium etc. The works proposed are significant, but the trees do overhang the garden significantly. Pruning at this stage will hopefully provide a framework for future management of the trees in terms of maintaining separation distances etc. The applicant claims that no more than 10% of the tree's leafing areas will be removed however I feel this may be slightly optimistic and that if the full 3m is removed then this will likely be beyond this percentage. Ultimately though the works will be within what can be considered acceptable in terms of the leafing area lost. The removal of deadwood as noted on the form is exempt from requiring permission and as such is not part of this application.

The level of works proposed is quite significant, however it was always known when this site was developed that those properties lucky enough to have some of the large mature trees in their garden would need to maintain them in the long term. As such the level of works proposed is acceptable in terms of the overall amount of material to be removed and should act as a guide for future maintenance which should help minimise the impacts on the trees long term. Therefore, 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 in his response, the works are significant however there is a requirement to maintain the large trees in the garden areas of the new dwellings in the long term and the level of development is considered to be reasonable. No objection has been raised from the Tree Officer subject to appropriate conditions and informatives.

Recommendation

Approve with conditions