
2022/1085

Senior

Crown lift trees T1 to T5 to 5m within TPO 3/1972

Osbourne House, Osbourne Court, Monk Bretton, Barnsley, S71 2JS

Description

The application is in reference to 5 trees within the curtilage area of the dwelling. The majority (T1-T4) are situated in the Southern corner of the front garden area, with T5 to the North-East corner. All of the trees are described as semi-mature, with the exception of T3 which is a mature tree. All of the trees form part of a group listing.



Proposed Development

The applicant seeks to crown lift Trees 1-5 to 5m which is to provide clearance over the access and garden.

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

Forestry Officer – The works proposed are to crown lift the five trees to 5m. The trees vary in age from semi mature through to fully mature and are located on the front boundary and as such have a high amenity value. The works proposed appear to be to provide clearance over the access and garden etc. and to that end a height of 5m to allow access for high sided vehicles seems sensible. This will be a significant amount of works for some of the early mature trees but is not beyond what can be considered acceptable despite not being ideal, particularly as it will help to prevent mechanical damage. Establishing a crown height of 5m at this stage will also act as a frameworks and template for any future crown lifting works. I can therefore confirm that there is no objection to the proposed works 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 in the Tree Officer's response, the works are to allow access for high sided vehicles onto the site

The response from the Tree Officer has indicated that the works are to provide clearance over the access and garden area, particularly for high sided vehicles. The works are described as being a significant amount of works for some of the early mature trees but is not beyond what is considered acceptable. The works would also provide an established crown height of 5m for future crown lifting works.

The proposed development is therefore considered to be acceptable, subject to conditions, and is recommended for approval.

Recommendation

Approve with conditions