

SECTION A – MATTERS FOR DECISION

TPO Applications Recommended For Refusal

<u>APPLICATION NO:</u> P2016/0536	<u>DATE:</u> 20/06/2016
PROPOSAL:	Felling of 1 No. Sycamore Tree protected by TPO T285/T4.
LOCATION:	35 Nant Celyn, Crynant, Neath SA10 8PZ
APPLICANT:	Mr Thomas
TYPE:	App under TPO
WARD:	Crynant

Background:

This application is reported to committee at the request of Councillor Karen Pearson, as she considers that *“this tree doesn't enhance the visual amenity of the street scene within Nant Celyn”*.

Planning History:

The site has the following relevant planning history: -

- P2009/0678 Detached dwelling house – Approved 28/09/2009
- P2009/0892 Detached dwelling house – Approved 08/01/2010
- P2010/0675 Works to trees comprising of a crown reduction and removal of young and dead limbs of Oak and Sycamore Trees covered by Tree Preservation Order T285 – Approved 25/10/2010
- P2014/0766 Works to two trees covered by Tree Preservation Order T285 - (T1) Oak Tree, crown reduction and removal of decayed and crossing over branches and removing the epicormic growth - (T2) Sycamore tree, crown reduction and removal of decayed and crossing over branches. Refused 9/3/16
- P2016/0094 Works to trees – Reduce canopy of Oak T1 by 1.5m -2m, plus reduce 1 limb overhanging boundary by 2m to 2.5m. Remove deadwood from Sycamore T2. Approved 9/3/16

Publicity and Responses:

This application has been advertised on site and one neighbouring property has been consulted. To date no representations have been received.

Crynant Community Council – No response, therefore no observations to make.

Arboricultural Officer – Objection to the felling of the tree.

Description of Site and its Surroundings:

The application site accommodates a large modern individually designed detached dwelling which has a moderate size front garden and a rear garden which is approximately 10m in depth by 20m in width. It is located in a cul de sac known as Nant Celyn and is flanked on 3 sides by residential properties of a similar age and size.

There are 2 mature trees located in the rear garden area of the application site which are covered by Tree Preservation Order T285 (which was confirmed on 26/10/2010). The trees comprise of a mature Oak (T5) and a Sycamore (T4) only the latter of which is the subject of this application. Seven other trees were protected within the same TPO.

The trees are located in the south eastern part of the rear garden area, approximately 10m away from the application dwelling. Both trees have undergone works over the last few years which have benefited from permission from the Local Planning Authority.

Brief description of proposal:

This is an application made under the Town and Country Planning Act 1990 Section 198 for works to trees covered by Tree Preservation Order T285.

This application seeks permission to fell 1 No. Sycamore Tree (T285/T4).

The reason for the proposed works, as stated on the application form, is due to the “continued decline in the physiological health of the tree” which has led to the “wish to remove and replace this tree prior to the

decline in the structural health of the tree with consideration to the proximity of their house”.

The application has been made by a local Tree company (Arborum Ltd) but has not been accompanied by a detailed survey of the tree.

Material Considerations:

The main issues relating to this application concern the amenity value of the existing tree and the impact of felling it on the character and appearance of the area together with an assessment of the condition of the tree and whether there are sufficient grounds to justify the proposal to fell.

Policy Context:

Neath Port Talbot Local Development Plan
Policy SP15 – Biodiversity and Geodiversity
Policy EN7 – Important Natural Features

Visual Amenity:

The TPO was placed on the trees in question approximately 6 years ago, such protection being required “in the interest of visual amenity”.

Whilst this application requests permission to fell 1 No. Sycamore tree, it is considered that both the application Sycamore, along with other trees which line a stream running to the rear of the application site and adjacent properties, form a natural backdrop to the immediate neighbouring properties. Their presence adds significantly to the character and appearance of the street scene by complimenting the transition from the urban form characterised by the housing development to the rural form which lies beyond this housing site.

As part of the planning process relating to the creation of new housing sites it is important to retain mature vegetation where possible. This vegetation not only provides habitats for flora and fauna but also softens the appearance of the urban form and creates a natural setting for the development. It is clear that the belt of protected trees within which the sycamore is located is a key characteristic of this site and the unjustified felling of trees within this belt of protected trees will undermine the purpose of retaining it in the first place, to the detriment of the character and appearance of this important backdrop.

It is further noted that due to the size of the tree, it is readily visible from the main road through Crynant, and from other areas within the village. Accordingly, while being located to the rear of relatively new properties, the visual benefits of the tree can be appreciated from beyond the immediate area and its presence helps to break up the massing of this relatively new residential estate.

While it is acknowledged that there are other trees in this area, any unjustified loss of the Sycamore tree would have a detrimental impact on the character of the area.

Justification:

Despite indicating in the application submission that the physiological health of the tree is in decline and the felling is proposed prior to the decline of its structural health, the applicants have not submitted any evidence to confirm such a claim. This is despite the application being submitted by an arboricultural company on behalf of the applicant.

The Authority's Arboricultural Officer inspected the site in 2014, and again in 2015. He reported that the branches of both the Oak and the Sycamore which were growing towards the houses had been significantly reduced, and the trees are not considered to be a danger to the applicant or the dwelling. Furthermore works to remove further foliage would place more stress on the trees, and could be detrimental to their future health and longevity.

The Authority's Arboricultural Officer has subsequently re-assessed the condition of the Sycamore in July 2016 following the submission of this application and reported that there have not been any significant changes in the appearance and condition of the tree since his last inspection in 2015. Therefore, he advises that removal of the tree is not justified.

In addition to the above, whilst the applicant has stated that the reason for the felling of the Sycamore is due to the decline in the structural health of the tree, question 8 on the submitted form (under 'Health or Safety of the Trees') asks the question "*is the tree diseased, or should there be fear that the tree might break or fall*". The applicant has answered 'No' to this question. Given the response to this question, the lack of submitted evidence from the applicant and the confirmation from the Council's arboricultural officer that the tree is healthy it is considered that there is no justification for its felling.

While it is acknowledged that consent has recently been granted for a dwelling on the adjacent plot of land, which required the removal of TPO tree No. 3 (Sycamore), this was justified as part of that application by a detailed tree report which concluded that the tree was a Category C tree, as defined within the British Standards. Category C trees should be retained unless they impose a significant constraint to development. In the case of the neighbouring site, the sycamore tree by virtue of its location on the plot would have prevented the development of a proposed dwelling house and there was no objection from the Council's arboricultural officer. In contrast, the retention of the sycamore which is the subject of this application will not constrain development given that the site already accommodates a new dwellinghouse, and the tree is in perfect health. As a result there is an objection from the council's arboricultural officer to the unjustified felling of this tree.

Accordingly, there are material differences between the two applications, moreover, the loss of a second tree will further undermine the character and appearance of the tree line which needs to be retained to secure this natural asset in the long term. Accordingly, in the absence of sufficient justification to warrant its removal, the felling of this protected tree would adversely affect the character and appearance of both the immediate and wider area.

Conclusion:

Insufficient justification has been provided to allow for the felling of the tree which remains in good health, and contributes significantly to the character and appearance of the application site, and the surrounding area as a whole. It is therefore considered that the loss of the Sycamore which is a natural asset would be to the detriment of the area, contrary to the objectives of Policies SP21 and EN7 of the Neath Port Talbot Local Development Plan.

RECOMMENDATION: Refusal

Insufficient justification has been provided to justify the loss of a tree which remains in good health, and contributes significantly to the character and appearance of the application site, and the surrounding area as a whole. It is therefore considered that the loss of the Sycamore would be to the detriment of the area, and would be contrary to Policy SP21 and EN7 of the Neath Port Talbot Local Development Plan.