

**Parish: Carlton Miniott**

Ward: Thirsk

**3**

Committee date: 13 December 2018

Officer dealing: Miss Ruth Hindmarch

Target date: 11 January 2019

## **18/00007/TPO2**

Tree Preservation Order 2018/07

At Land to the front of Islebeck House, Carlton Road, Carlton Miniott

**The report is brought to Planning Committee as there has been an objection made to the Order**

### **1.0 SITE, CONTEXT AND PROPOSAL**

1.1 This report considers the case for the confirmation of Tree Preservation Order (TPO) 18/00007/TPO2.

1.2 Islebeck House lies on the main road through Carlton Miniott close to the western edge of the village. The trees are located on a small area of grass to the front of Maple House in Carlton Miniott which is immediately to the west of Islebeck House. The land ownership boundary shows the trees are located on land under the ownership of Islebeck House. The trees are located adjacent the footpath and public highway.

1.3 The TPO refers to two Sycamore trees. The trees are actually one sycamore (T2) and one ash tree (T1).

### **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

2.1 There is no relevant planning or enforcement history.

### **3.0 RELEVANT PLANNING POLICIES**

3.1 The relevant policies are:

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policy DP28 – Conservation

### **4.0 CONSULTATIONS**

4.1 Local Highway Authority – confirmed tree not in highway land and that a report on the trees condition has been completed which confirms there are no safety concerns but recommends routine inspections every 18 months.

4.2 Two neighbouring occupiers have objected to the TPO. The comments are summarised as follows:

- The trees are a danger to the public and road users
- Falling branches cause a danger to users of surrounding gardens and the highway
- Limbs of the trees are intertwined with service cables
- During Autumn, Winter and Spring when the sun is lower in the sky the trees takes much of the light from our property
- During Autumn the leaves block gutters and drains and make pathways slippery creating a safety issue.
- When the trees are flowering and then shed those parts they again cause blockages to gutters and drains
- The base around the trees is used for dog fouling

- Trees have not been maintained over the years due to no one taking ownership of them
- They do not have a positive contribution to this part of the village
- The trees are a sycamore and an ash not two sycamores

## **5.0 OBSERVATIONS**

5.1 The purpose of a Tree Preservation Order is to protect trees which are deemed to be of significant benefit to the amenity of a place.

5.2 The trees are prominent in views along Carlton Road and make a positive contribution towards the character and appearance of the area. The trees are on the north side of the A61. The trees come in to view to those travelling eastbound on the A61 as part of a group of trees before entering the village. The trees are the most substantial features in this part of the village. Whilst other properties are bounded by hedgerows and gardens contain trees none are as significant to the view of the street as the Sycamore and Ash tree included in this Order. The trees are also significant to those travelling west and visually mark the 'end' of the village, albeit that there are three dwellings further west before the village gives way to open countryside.

5.3 Concern has been expressed regarding the safety of the trees and the potential for falling branches to harm or injure people or pose a highway safety risk for passing cars. The inspection report carried out by the Local Highway Authority states the Ash tree (T1) does have some deadwood that would benefit from being removed and some pruning works to provide clearance to cables but does not present any safety concerns in its current condition. With regard to the Sycamore tree (T2) the report concludes the same. There is no evidence that the trees have any structural or health problems.

5.4 Concerns regarding the area of shading caused by the trees now and the potential for greater shading in the future are stated as reasons for objection but it is considered that the shading caused by the trees when in leaf is not so substantial that it would cause demonstrable harm to the amenity of neighbouring property that it would justify the removal of protection of the trees. If works are required to address harm to amenity an application can be made to allow works to a tree that is the subject of a TPO. The application is then to be considered on its merits.

5.5 Problems relating to leaf debris are acknowledged however this can be controlled by appropriate maintenance and does not warrant removal of protection of the trees.

5.6 It is acknowledged the trees would benefit from some maintenance including removal of deadwood. Any works over and above dead wooding would require consent and an application for appropriate works can be submitted and considered.

## **6.0 CONCLUSION AND RECOMMENDATION**

6.1 It is considered that the trees positively contribute towards the character and appearance of the area.

6.2 There appears to be no structural or health reasons why the trees cannot be maintained in the longer term, and as such it is considered that on balance of the issues of public benefit against the concerns expressed by near neighbours, confirming a TPO on the trees is appropriate.

6.3 It is therefore recommended that TPO 2018/07 Order be confirmed.