

**Parish: Knayton with Brawith**

Ward: Bagby and Thorntons

**7**

Committee date: 27<sup>th</sup> October 2022

Officer dealing: Olivia Lamb

Target date: 28<sup>th</sup> September 2022

**22/00010/TPO2**

**Tree Preservation Order 2022 No. 10**

**At: North of Stone House, Knayton, Thirsk, North Yorkshire, YO7 4AZ**

**The report is presented to Planning Committee as an objection has been 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) 22/00010/TPO2.

1.2 A works to trees notification application (22/00212/CAT) submitted to the Local Planning Authority in 2022 triggered the making of a TPO on a group of trees that lie within the rear garden of Stone House. This application was submitted on behalf of a neighbour (at Lilac Cottage), the applicant sought to crown lift eight trees that overhang from Stone House into The Drays and Lilac Cottage for a number of reasons including loss of natural light into garden, falling branches, slippery leaves, littered roof/guttering from fallen debris, unable to use garden due to risk of fallen branches. It was considered that the proposed works would give rise to an unsymmetrical canopy which in turn would give rise to harm. The view from the Knayton Conservation Area at the front of the dwelling, the group of sycamores contribute to the visual amenity of the Conservation Area.

1.3 In order to ascertain the condition of the trees, Hambleton District Council arranged for an arborist (from Elliott Consultancy) to inspect the trees. At the time of the visit the arborist was not able to gain access to the rear of Stone House; as a result, the inspection was carried out from the rear of Lilac Cottage.

1.4 An objection has been received to the making of the Tree Preservation Order.

### **2.0 Relevant planning and enforcement history**

2.1 02/00104/CAT- Proposed crown thinning of 5 sycamore trees and crown cleaning of 8 sycamore trees. Permitted in 2002.

2.2 03/01668/CAT- Proposed felling of 1 Sycamore tree. Permitted in 2003.

2.3 15/01267/CAT- Proposed felling of Sycamore tree. Permitted in 20015.

2.4 18/00770/CAT- Works to Trees in a Conservation Area. Permitted in 2018.

2.5 22/00212/CAT- Works to trees in a conservation area. Provisional TPO served.

2.6 No relevant enforcement history.

### 3.0 Relevant planning policies

3.1 The relevant Hambleton Local Plan policies are:

E3: The Natural Environment  
E7: Hambleton's Landscapes

### 4.0 Consultations

4.1 Knayton Parish Council

- Knayton Parish Council object to the principle of the order.

4.2 Public Comments

Neighbour objection (summarised):

- Group 1 Sycamore S1 and S2:
  - Branches crossing (poses risks to neighbours, animals, property, vehicles and boundary)
  - Unhealthy growth will lead to decay and death of the affected branches which will impact on the entire plant
  - Important to remove branches that are crossing the trunk as they will rub against each other even in mild wind conditions
  - Friction causes the wood underneath to open up, which will most often be followed by decay and disease from this wound
  - Lawn area surrounding the base of tree is being disturbed, raising up by the force of the roots
- Group 1 Remaining Sycamore Trees:
  - Cross branching- due to not being managed over the years leaving them to grow and outreach across buildings
  - If not dealt with, this will result in damage to the buildings from falling branches
- T1 Ash Tree:
  - Decaying and dead limbs
  - Impact on neighbours due to fear of a falling branches
- Do not object to any of the trees where they currently stand and do not wish for them to be removed.
- Wish for them to be managed to mitigate any further damage to the tree's health, persons, animals or property.
- Previous occupants of Stone House had an application (4-5 years ago) passed to remove sycamore trees which stood adjacent to the ones on this application and there were no objections or preservation request from the village or Council (removed 5 sycamore trees in total thus setting a precedent that the location of these trees is of no significant interest).

Owner support (summarised):

- Trees have great significance to nature and greenery of the garden

- They have had a tree expert, they have reviewed the trees and advised that no work is immediately required.
- Does not agree that the leaves falling block the gutters and removing branches to 8m (as sought by a neighbour) will make no difference at all.
- Understand the need to make safe the trees further down the garden and accept the ash (A1) and sycamore (S7) should be made safe, but again with respect to the safety and health of the trees.
- The natural and healthy aspect of the arboreal cascade and avenue is a health and wellbeing feature of my property.
- Believe it will devalue the natural attractiveness of the property and risk affecting the ecological balance of the wildlife that rely on the trees and the associated cover and protection.

## **5.0 Analysis**

- 5.1 The main issue is whether the trees are worthy of preservation by virtue of its contribution to the amenity of the area, and consideration of any other issues as to why the TPO should not be confirmed in this case.
- 5.2 The observations are noted however the TPO has been assessed against the Planning Practice Guidance, which states that it may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned, or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases, the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.
- 5.3 The TPO's have been assessed against the criteria within the Planning Practice Guidance.

### Visibility

- 5.4 The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

### Individual, collective and wider impact

- 5.5 Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:
- size and form;
  - future potential as an amenity;

- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

Other factors

- 5.6 Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.
- 5.7 The assessment of the amenity of the trees is therefore to be considered against these criteria.

Criterion 1: Visibility

- 5.8 The group of sycamores contribute to the visual amenity of the Conservation Area. However, the ash tree is not visible from the view of the Conservation Area, nevertheless it is important to understand if the proposed work is deemed necessary.

Criterion 2: Individual, collective and wider impact

- 5.9 The trees are well established; the siting, size and their form contribute to positively to the character and appearance of the Knayton Conservation Area and the visual amenity of the area.

Criterion 3: Other factors

- 5.10 The trees make a general contribution to nature conservation and climate change implications as any tree would do. It has been noted that a number of sycamore trees have been removed in the past 20 years that are within close proximity to the trees in discussion, it is therefore important to control works to the trees in this Order to prevent any further erosion of the existing landscape.
- 5.11 A tree report has been prepared for the Council by Elliott Consultancy which stated the following:

“...The majority of the Sycamore’s (S1-S6) which overhang The Drays and the storage barn have been crown lifted in the past and I therefore see no reason or obvious benefit to them being pruned again up to a height of 8m... During my site visit it was not possible to gain access to Stone House and I could, therefore, not thoroughly inspect the trees from all sides. It was also not possible to fully access the rear of the barn, so the views of those trees were further limited. From what could be inspected, the trees appear to be of reasonable to good physiological and structural condition, albeit with some relatively minor stem wounds, pruning wounds and deadwood... To summarise, the works that we would recommend would be crown lifting the middle Sycamore adjacent to The Dray to a height of 5m, as indicated in Photo 1 (please see accompanying report). Remove the vertical section of the limb indicated in Photo 2 (please see accompanying report). Crown clean the remaining trees”.

- 5.12 If the trees were to be maintained inappropriately, this would have a detrimental impact on the amenity of the area and would result in harm to the character and appearance of the conservation area and surrounding area. It is considered that the trees contribute positively to the visual amenity, flora and fauna of the area, which is a valuable asset and the potential subsequent works to the tree as outlined with application 22/00212/CAT is contrary to the Local Plan Policies E3 and E7.
- 5.13 Consent however may be given to works subsequently, on submission of a relevant application; providing substantive evidence, reasoning and justification such as an independently prepared tree survey or other appropriate survey/assessment which justifies those works required to be undertaken and provides evidence and reasoning as to the necessity to undertake required works and the consequences of not undertaking the required works.
- 5.14 Local Planning authorities can make a Tree Preservation Order 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. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future. Following consideration of the case confirmation of the TPO is justified.

## **6.0 Recommendation**

- 6.1 That Tree Preservation Order 2022 No 10 is confirmed.