

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE – 23 MAY 2016

TREE PRESERVATION ORDER NO. 2/2001 - APPLICATION TO FELL A SYCAMORE TREE AT 3 TYNDALE CLOSE, CARTERTON, OX18 3FE (141.269/3)

REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING

(Contact: Nick Dalby, Tel: (01993) 861662)

(The decision on this matter will be a resolution)

1. PURPOSE

To consider an application to fell a Sycamore tree (T2) which is included in Tree Preservation Order No. 2/2001.

2. RECOMMENDATION

That the application to fell the tree be refused.

3. BACKGROUND

3.1. An application has been received to fell a Sycamore tree at 3 Tyndale Close, Carterton which is identified as T2 in the above Tree Preservation Order.

3.2. In 2001 planning permission was granted for the erection of two dwellings on land at the rear of a property formerly known as 20 Burford Road, Carterton (01/0015). It was further resolved by members to make two trees at the site the subject of a tree preservation order due to their high amenity value. One of these trees is the subject of this application.

3.3. The reasons for making the application can be summarised as follows:
- the tree is too large for the location and restricts use of the garden.
- it is causing distress to the occupiers of the property due to fears about safety, shade and the shedding of leaves.

3.4. The two ward members were consulted on the application in accordance with the council's scheme of delegation for such matters. Cllr MacRae raised no objection to the recommendation and Cllr Howard commented that Sycamore trees do not have an amenity value in any circumstances and that they are common around Carterton. The recommendation was not supported and therefore the application must be reported to this Committee.

4. PLANNING ASSESSMENT

4.1. The tree was one of a pair retained when planning permission was granted to construct two dwellings at the site. The felling of the other tree (T1) was allowed on appeal in 2012 (APP/TPO/D3125/2650).

4.2. The remaining tree is considered to have high amenity value and is prominent in views from Church View and the footpath connecting Church View and Burford Road. It forms part of a loose cluster of mature trees growing at the north end of Church View which cumulatively add maturity and scale to the surroundings.

- 4.3. It has been confirmed by the applicant's agent that there are no arboricultural reasons to remove the tree on safety grounds or due to its health or condition.
- 4.4. There is genuine concern that the rear garden of the property is very small in area to accommodate a large tree. Concerns are also noted that it reduces the level of daylight and sunlight to the garden, patio area and rear rooms of the dwelling. This is understood. However, the TPO pre-dates the construction of the dwelling and any purchasers of the property would have been aware of the TPO, the proximity of the tree to the dwelling and the likely impact of this. The size of the tree has not increased significantly since the dwellings were constructed.
- 4.5. All trees shed debris throughout the year. It is accepted that clearing up debris such as twigs and leaves from the garden is additional work. This is part of normal garden and property maintenance and does not justify the removal of a protected tree on these grounds alone.
- 4.6. The details of the case of the felling of the Sycamore tree at the adjacent property in 2012 are not identical. The Inspector's report referred to at 4.1 above noted that the extent to which T1 (at 4 Tyndale Close) dominated the rear garden of no.4 was considerably greater than the extent to which T2 dominates the rear of no.3. He noted that T2 had lighter foliage and a noticeably less dense crown, and there was greater separation between the branch ends and the rear wing of the bungalow. Also, as it is to the south, more light could also pass beneath the crown.
- 4.7. In light of the above it is considered that the tree has a positive impact on the local environment and its enjoyment by the public and the reasons given to justify felling it do not outweigh the contribution it makes to public amenity. It is therefore recommended that permission to fell the tree be refused.

5. ALTERNATIVES/OPTIONS

The Council could decide to grant permission to fell the tree, with or without conditions requiring a replacement.

6. FINANCIAL IMPLICATIONS

Tree preservation order regulations make provision for the payment of compensation by the Local Planning Authority for loss or damage caused or incurred as a result of its refusal of any consent under a TPO. However, the regulations include provisions to limit the Local Planning Authority's liability and are dependent on the details of each particular case.

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Background Papers:
TPO 2/2001