

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE – MONDAY 4 AUGUST 2014

TREE PRESERVATION ORDER NO.3/94 - APPLICATION TO FELL A HORSE CHESTNUT TREE AND AN ASH TREE AT 71 WORTON ROAD, MIDDLE BARTON, OX7 7EF (141.223/3)

REPORT OF THE HEAD OF PLANNING

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

(The decision on this matter will be a resolution)

1. PURPOSE

To consider an application to fell a horse chestnut tree and an ash tree growing at 71 Worton Road, Middle Barton which are included in Tree Preservation Order No.3/94.

2. RECOMMENDATION

That the application to fell the Horse Chestnut tree be refused. That permission is granted to fell the Ash tree to ground level.

3. BACKGROUND

3.1. An application has been received to fell a horse chestnut and an ash tree growing at 71 Worton Road, Middle Barton. They are included in an area tree preservation order that was made in 1994 to safeguard trees growing at the site of a former closed reservoir. The Council refused planning permission (0983/94) to develop the site for two dwellings with garaging on the grounds that trees would be lost or damaged, there would be pressure to remove protected trees in the future and a poor living environment would result if the site were to be developed in the manner proposed.

3.2. Planning permission for the development was granted on appeal (T/APP/D3125/A/95/248432/P5). The Inspector noted that the trees growing along the northern boundary (one of which is the Horse Chestnut tree which is the subject of this application) were important in that they softened views of the development and the village in views from the north.

3.3. A further development for a terrace of four dwellings was later approved (99/0625) and subsequently constructed. The applicant has moved to the property within the past few months.

3.4. The reasons for making the application can be summarised as follows:

The Horse Chestnut tree causes severe shading in the front rooms of the property and the Ash tree has been coppiced in the past and has a poor form at the base. It has a sparse crown.

4. PLANNING ASSESSMENT

4.1. The Horse Chestnut tree forms part of a row of large, mature trees which are growing along the hedgerow between the development and the wider open countryside to the north. Further large trees are growing on neighbouring land and collectively they are visually important and are prominent when approaching the village from the north and give it a soft edge, screening the dwellings behind.

- 4.2. The front elevation of no. 71 faces north. The windows on this side of the property will not receive direct sunlight in any event. The trees at the front of the property, including the one which is subject to this application, do dominate the front of the house but it is considered that there is adequate light to the dual aspect living room and upstairs bedrooms. The trees which have most impact on the property are growing in an adjacent garden and are not affected by the Tree Preservation Order. It would be feasible to lightly trim lower branches from the Horse Chestnut tree, which is subject to the current application, to give more separation between the dwelling and the outer crown branches and allow views to countryside beyond without adversely affecting the appearance of the tree itself.
- 4.3. Whilst the Horse Chestnut tree does stand a few metres forward of the other trees in the row allowing its removal on the grounds specified in the application would set a precedent for similar applications which, cumulatively, would have a detrimental effect on public amenity.
- 4.4. It is your officer's view that the grounds for removing the tree do not outweigh the contribution it makes to public amenity and therefore it is recommended that permission to remove it is refused.
- 4.5. The Ash tree is situated along the southern boundary in the private rear garden. It is one of the few remnants of vegetation remaining following the construction of the dwellings. It is in reasonable condition. There are a few other small trees growing along the same boundary in adjacent gardens. They do provide some screening and greenery between the properties accessed from Worton Road and those along Hillside Road and Orchard Way. The Ash tree is not prominent in views from further afield. It would be possible to lift the crown to allow more light to the house and garden without affecting its overall shape but it is considered that its amenity value is not sufficient to withhold permission to remove it, especially as it is included in an 'area' order rather than listed individually.
- 4.6. In light of the above it is recommended that permission is granted to remove the Ash tree.

5. ALTERNATIVES/OPTIONS

The Council could decide to grant permission for the Horse Chestnut tree to be felled or to refuse permission to fell the Ash tree.

6. FINANCIAL IMPLICATIONS

Tree preservation order regulations make provision for the payment of compensation by the LPA 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 LPA's liability and are dependent on the details of each particular case.

7. REASONS

To protect and enhance the environment in accordance with the Council Plan.

Andrew Tucker - Strategic Director (Development)
(Author: Nick Dalby, Tel: (01993) 861662; EMail: nick.dalby@westoxon.gov.uk)

Date: 15 July 2014
Background Papers: TPO 3/94