

OFFICERS REPORT

Application No: Y19/1354/FH

Location: Dinard Court 6 Castle Hill Avenue Folkestone Kent CT20 2QT

Proposal Works to trees situated in a conservation area comprising: fell one Conifer (T1) and reduce one Fig (T2) to 2 metres in height

ASSESSMENT

Performance data:-

Date application valid: 25/11/19

Applicable 6 week target date: 6/1/20

Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA) ? Y/N

If Yes, revised 8/13/16 week target date:

Is the application being determined after 26 weeks without a PPA or a PEA? Y/N

SITE VISIT

Carried out site visit on 5/12/19

The site and proposals were assessed from Castle Hill Avenue and Muddles Passage.

SITE

The site is Dinard Court, an imposing five storey period terraced property currently divided into flats, located on the east side of Castle Hill Avenue and within the Folkestone Leas and Bayle Conservation Area.

The medium sized Conifer tree is situated in the front garden adjacent to the front elevation of the building and a flight of steps leading up to the front entrance door. It is visible from Castle Hill Avenue but it is the street trees that are the more prominent in the street scene. The medium sized Fig is located immediately to the rear of the building. It cannot be seen from a public place. Both trees have low visual amenity value and make little contribution to the character and appearance of the conservation area in this attractive urban location.

RELEVANT HISTORY

None

PROPOSAL

The application is for the felling of the Conifer tree on the grounds that it is damaging a retaining wall and the reduction to 2 metres in height of the Fig as it is causing shading issues to the lower flat.

CONSULTATION RESPONSES

Consultation responses are available in full on the planning file. The main points raised are summarised below.

Folkestone Town Council: No objection subject to the views of the Tree Officer.

REPRESENTATIONS

No representations received.

RELEVANT POLICIES

Shepway District Local Plan Review Saved Policies: SD1; BE4.

Shepway Core Strategy 2013 Policies: DSD

APPRAISAL

The Conifer is untidy, shows poor form and given its close proximity to the wall and building, its retention is not viable. Currently it has reached the second floor of the building and is likely to further increase in size if left unattended.

The Fig tree is clearly causing loss of light to the occupants of the lower flat by virtue of its location adjacent to the building and therefore it is judged that there is sufficient justification for undertaking a reduction to it.

It is not considered that the proposal will harm the character or appearance of the conservation area since there are other more important trees in this location.

HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

PUBLIC SECTOR EQUALITY DUTY

In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

RECOMMENDATION

In light of the above, it is considered the proposal complies with the above policies and the NPPF and therefore no objections are raised.

Case Officer: Jo Daniels

Report and draft decision notice completed and passed to senior officer.

Name: Position: Date:

File passed to admin to issue decision. Falls within the scheme of delegation (no requirement to pass to senior officer).

Name: Jo Daniels Position: Planning Technician Date: 7/1/20

