

OFFICERS REPORT

Application No: Y17/0774/SH
Location: 8 Turnpike Hill Hythe Kent CT21 4SE
Proposal Pruning of a Pine subject of Tree Preservation Order No 5 of 2013

ASSESSMENT

Performance data:-

Date application valid: 26/6/17

Applicable 8 week target date: 21/8/17

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 3/7/17

The site and proposals were assessed from various points around the site and the key features are noted below.

SITE

The site is the front garden of 8 Turnpike Hill, one of a block of four dwellings set on the lower hillside at the southern end of Turnpike Hill in this quiet residential area on the north eastern side of London Road, and on the western outskirts of the attractive coastal town of Hythe.

The large mature Pine tree stands in the open plan front garden adjacent to the driveway on an area of lawn which slopes gently down in a westerly direction towards the road.

The tree is the subject of Tree Preservation Order No. 5 of 2013. It is highly prominent in the street scene and collectively with other mature trees and shrubs within the surrounding area; it makes a valuable contribution to this quiet and attractive green and leafy location.

HISTORY

There is no history of works to trees at this address.

PROPOSAL

The application comprises a crown reduction by approximately 1.5 metres in height and 0.75 metres of laterals, a 2 metre crown lift and a crown clean to remove dead wood, crossing branches etc.

The works are required to control the size of the tree which is beginning to outgrow its location and allow more light into this and neighbouring properties.

CONSULTATION RESPONSES

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

Hythe Town Council: support subject to Arboricultural Officer's consideration as to extent of pruning

REPRESENTATIONS

Four representations received and are available in full on the planning file. The main points raised are summarised below.

Support:

Tree should be felled completely

Lower branches are growing out of control, encroaching over drive and causing hazard

Needles and cones make surface slippery

Cones swept over road during heavy rain

Tree could cause extensive damage if it falls - who would be responsible?

Concerned that roots could cause damage to drive and drains

Household insurance is affected by tree

Question pruning unless it is severe and removes 70% of the overall mass

Object:

Tree should be felled

Has been allowed to grow unchecked, now out of scale for its surroundings

Unsuitable for small residential garden

Little amenity value

Leans towards road and could fall into road

Branches overhang communal drive and path and scatter debris causing slip hazard

Tree blocks light

Tree creates a noise nuisance during windy weather

Roots could damage drains and drive, would owner be responsible?

Proposed pruning would not resolve issues and would need to be re-addressed

Property and surrounding area would benefit from smaller, slow growing trees

PUBLICITY

Neighbours notified by letter. Expiry date 21/7/17

RELEVANT POLICIES

Shepway District Local Plan Review Saved Policies: SD1; BE17

Shepway Core Strategy Local Plan 2013 Policies: DSD

APPRAISAL

The tree is considered to be important landscape feature of this location. It is understood that there were a number of Pine trees in this area prior to the construction of this development but most have been lost over the intervening years, therefore it is considered important to retain those remaining as far as possible.

The proposed works to help address the issues raised in the application appear reasonable and acceptable and in line with good arboricultural practice. The Pine tree is a fine specimen but requires some pruning work to manage its size, allow more light into the surrounding area, remove encroachment over the adjacent communal driveway and prevent excessive dropping of debris.

With regard to the points raised in the representations, though it is acknowledged that the tree does pose a number of nuisances such as would be expected where trees are located in close proximity to domestic properties, the application is for the pruning, and not the felling of the tree. The Council cannot change the proposal to felling because this is what neighbours would

prefer, they would need to raise their concerns with the tree owner. There is nothing to prevent neighbours from making an application for felling the tree, provided that sufficient supporting evidence is supplied, however even if the consent were granted, permission from the tree owner would be required.

It is not considered that the proposed work will be detrimental to the long term health or form of the tree or the character and appearance of the area, nor will it compromise the visual amenity of the Tree Preservation Order.

RECOMMENDATION

In light of the above, it is considered the proposal complies with policy and the NPPF and is therefore recommended for approval subject to conditions.

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.

Case Officer: Jo Daniels

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

Name: Position: Date:

Report and draft decision notice amended (if appropriate)

Name: Position: Date:

Senior Officer

Report not agreed. Details of further work required as follows:

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: 18/8/17