

OFFICERS REPORT

Application No: Y17/0909/SH
Location: Flat C 47 Augusta Gardens Folkestone Kent CT20 2RS
Proposal Felling of a twin stemmed Ash tree and a twin stemmed Conifer tree, both situated within a conservation area

ASSESSMENT

Performance data:-

Date application valid: 24/7/17

Applicable 6 week target date: 4/9/17

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 1/8/17

The site and proposals were assessed from rear of the site and from Augusta Gardens and the key features are noted below.

SITE

The site is the small rear south facing garden of this imposing five storey period terraced property currently divided into flats, located within a crescent between Castle Hill Avenue and Trinity Crescent, to the south of Bouverie Road West and within the Folkestone Leas and Bayle Conservation Area.

To the rear of the crescent lies Augusta Gardens, a private communal garden which is well stocked with a variety of trees and shrubs and designated for use by the residents of adjoining properties.

The medium sized twin stemmed Ash and Conifer stand amongst a group of trees on the southern boundary of the south facing garden. They cannot be seen from the surrounding streets; they are only visible from the communal gardens. It is the larger surrounding trees that are the more prominent, therefore their public visual amenity and contribution to the character and appearance of the conservation area is negligible.

HISTORY

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

PROPOSAL

The application is for the felling of the trees on the grounds that the Ash is blocking the access path to the communal gardens, overhanging the neighbouring property and causing damage to the boundary fence, and the Conifer is a poor specimen and is leaning on the boundary fence.

CONSULTATION RESPONSES

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

Folkestone Town Council has raised no objection subject to the views of the Tree Officer.

REPRESENTATIONS

No representations received.

PUBLICITY

Site notice displayed. Expiry date 23/8/17

RELEVANT POLICIES

Shepway District Local Plan Review Saved Policies: SD1; BE4

Shepway Core Strategy Local Plan Saved Policies: DSD

APPRAISAL

The trees have virtually no visual amenity. The Ash is almost certainly self set. As well as encroaching over the boundary and damaging the fence, one of its two stems is growing over the path, and whilst the removal of this stem was considered an option, it is likely that this would have left the remaining stem weak; therefore the complete removal of the tree is the more sensible approach.

Turning to the Conifer, this is rather sparse and does not show good form, probably as it has been competing for light with adjacent trees. In addition it is very close to the boundary fence where a section has already been removed to accommodate the tree. Given the close proximity of the tree to the fence, it is likely that the tree will eventually break the fence as it continues to increase in size and spread.

For the above reasons the retention of the trees long term is not viable, and as such it is judged that there is sufficient justification for felling them.

It is not considered that the proposal will harm the character or appearance of the conservation area, therefore no objections are raised.

RECOMMENDATION

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

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: 30/8/17