

Officer Report

Application No.	24/0190/FH
Site Address	Priory Cottage, Oak Walk, Hythe, CT21 5DN
Officer Name	Lizzy Nash
Proposal	Works to trees the subject of TPO No 15 of 1994 Crown reduction back to previous pruning points of a Holm Oak

Recommendation

Report Number	RD-434186
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	03 April 2024

Report

Site Visit 11/03/2024

Site

The proposal site is the front curtilage of a grade II listed building constructed from ragstone with brick details it is set into the hillside and has a close relationship to the Grade I listed St Leonards Church. The site sits within Hythe High Street and Vicinity Conservation Area.

The Holm Oak that is covered by the TPO is one of several trees that line the hill it has an overall height of approximately between 8-10 meters. The significance of the tree is derived from the contribution that it makes to the appearance of the surrounding street scene and the setting of the listed buildings. The tree is subject to Tree Preservation Order No. 9 of 1999.

Relevant History

20/1975/FH - Crown reduction of Holm Oak back to previous pruning points of Tree Preservation Order No. 15 of 1994

Y18/0115/SH - Crown reduction of Holm Oak subject to Tree Preservation Order No. 9 of 1999 - Approved with Conditions

Y15/0238/SH - Crown reduction back to previous pruning points of a Holm Oak subject of Tree Preservation Order No 9 of 1999 - Approved with Conditions

99/0642/SH - Felling of a Holm Oak in a conservation area - Objection Raised

98/0520/SH - Pollarding of Holm Oak in a conservation area - No Objections

Representations

No representations received.

Proposal

The proposal seeks permission to reduce the Holm Oak to previous pruning points of a Holm Oak subject of Tree Preservation Order No. 9 of 1999.

Consultations

Hythe Town Council - Support subject to the approval of the Senior Arboricultural Officer
Senior Arboricultural Specialist - No Comment

Publicity

Neighbours notified by letter. Expiry Date: 27/03/2024

Policies

The Development Plan comprises the Core Strategy Review 2022 and the Places and Policies Local Plan 2020.

Core Strategy Review (2022): SS1 (Spatial Strategy)

National Planning Policy Framework (NPPF) 2021

National Planning Policy Guidance (NPPG)

Town & Country Planning Act 1990 and Town Country Planning (Tree Preservation) (England) Regulations 2012.

Appraisal

The Holm Oak is located within the front curtilage of the dwelling, this is relatively small and the tree has a close relationship with the dwelling and if not managed would significantly block out light to the dwellings windows. Due to this location it is widely visible and contributes significantly to the appearance of the street scene and the setting of the surrounding listed building.

The proposal seeks to re-prune the tree to previous points to prevent the tree from encroaching on the dwelling and resulting in a loss of light to the dwelling. To ensure that the tree is maintained and prevent it from becoming a nascence and maintain its form regular maintenance is required.

It is therefore considered that the proposed works are appropriate to maintain this and would not be detrimental to the character or appearance of the conservation area or the long term health and visual amenity of the tree.

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 objective of the Duty.

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

Duty to Cooperate

In accordance with paragraph 38 of the National Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice

service and, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants/agents of any issues that may arise in the processing of their application. In this instance the application was acceptable as submitted.

Recommendation

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

Recommended Conditions (2)

1

The work hereby permitted shall be begun before the expiration of two years from the date of this consent.

Reason: To enable the Council to consider the position again should the work not be carried out within the prescribed period.

2

The agreed works shall be carried out in accordance with British Standard 3998: 2010 (Tree Work - Recommendations) and comprise of the following:

Works to the tree subject of TPO No 9 of 1999 Crown reduction to previous pruning points of Holm Oak.

Reason: To ensure that the works are carried out in accordance with good practice in accordance with relevant local policy.

Suggested Informatives (1)

1

Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. It is the applicant's responsibility to ensure that appropriate precautions are taken to ensure that an offence is not committed. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

