

Officer Report

Application No.	25/1236/FH/TCA
Site Address	8 EARLS AVENUE, FOLKESTONE, CT20 2HW
Officer Name	Laura Cook
Proposal	Works to trees in a conservation area comprising of T1 Sycamore fell to approximately ground level.

Recommendation

Report Number	RD-438024
Recommended Decision	Recommended to be No Objections
Recommendation Date	05 August 2025

Report

Site Visit

A site visit was undertaken on 11.07.2025.

The site and proposals were assessed from both within the site and from the public realm, the key findings of which are noted in the assessment.

Site Description

The site is 8 Earls Avenue, a five-storey semi-detached period dwelling currently converted to a number of flats and located at the southern end of Earls Avenue close to the Leas. The site is located at the west end of Folkestone within the designated Conservation Area.

The Sycamore that is the subject of this notification is located on the eastern boundary of modest sized east facing small plot of land populated by several trees which overlooks a rear garden, and possibly for the use of the residents of the surrounding flats. Whilst the tree is a notable size, is not readily visible in the street scene therefore it's contribution to the character and appearance of the conservation area is considered to be low.

Relevant Site History

There has been two previous applications for works to trees at this address:

25/0347/FH/TCA - Situated in a Conservation Area - T1 Sycamore - Reduction by approx. 2m in height and 1m lateral. No Objection.

21/1499/FH/TCA - Works to trees situated within a conservation area comprising: fell a row of approximately ten Conifers (T1) and one Yew (T2) and crown reduce one Sycamore (T3) by 7 metres in height and 2 metres laterally. No objections.

Proposal

The application comprises of:
Works to trees situated in a conservation area comprising of
T1 Sycamore fell to approximately ground level.

Representations

No representations have been received.

Consultation Responses

Folkestone Town Council: Object. There is no justification given for the works.

Relevant Policies

Places and Policies Local Plan (2020) Policies: HB1, HE1
Core Strategy Review (2022): SS1 (Spatial Strategy)
National Planning Policy Framework (NPPF) 2024
Section 15: Conserving and enhancing the natural environment
National Planning Policy Guidance (NPPG)
Town & Country Planning Act 1990 and Town Country Planning (Tree Preservation) (England) Regulations 2012.

Appraisal

The tree is located in a relatively confined area meaning that the residential garden to the west is in shade for much of the day, limiting the enjoyment of the garden. The tree is also close to the old brick boundary wall of 8 Earls Avenue.

With regard to the felling of the sycamore, while the loss of a tree is regrettable, given its low visual amenity value, it is considered unlikely that the works will have a harmful effect on the character and appearance of the conservation area and the tree is clearly blocking light to the small, enclosed garden.

Regarding the Town Council's objection in respect of the lack of justification given for the works. Although the loss of the tree is regrettable, the tree itself is not considered of such merit that it would justify serving a TPO upon it. Where we do not consider a TPO to be necessary, no objection to the work can reasonably be made. Given the nature of the works proposed and the tree's lack of contribution to the public realm, protections under TPO legislation are not deemed expedient.

The proposed work appears reasonable and acceptable and in line with good arboricultural practice in order to address the above issues.

Any additional pruning not specified in the schedule of works will not be permitted.

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.

Duty to Cooperate

In accordance with paragraph 39 of the National Planning Policy Framework (NPPF), December 2024 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.

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.

In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and proactive approach to development proposals focused on solutions. We seek to work with applicants/agents in a positive and creative way by:

- Offering a pre-application advice service;
- 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 no objections are raised.

Suggested Informatives (5)

1

This decision is valid for two years from the date of submission of your valid notification and the operation may only be carried out once unless otherwise stated. If you do not carry out the works within this period, you must submit a new notification if you wish to proceed.

2

All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person.

3

Care should be taken to consider nesting birds between March and September as in accordance with the Wildlife and Countryside Act 1981 (as amended) and also the need to consider the protection of any roosting or foraging bats afforded protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations (2017) (as amended).

4

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.

5

The material generated from the tree work hereby permitted should be disposed of, or processed as necessary, to leave the site in a safe and tidy condition following each phase/ completion of the work.