

RECOMMENDATION: Confirm Order	
REF NO: TPO 2021 no.18	CASE OFFICER Hugh Coggles
LOCATION: New House Back Street Garboldisham Diss IP22 2SD	APPNTYPE: N/A POLICY: ALLOCATION: N CONSAREA: Y LB GRADE: N TPO: Y
APPLICANT: Jane Osborne	

1. REASON FOR COMMITTEE CONSIDERATION

1.1 Formal Objection to serving of TPO 2021 No.18

2. KEY ISSUES/REASONS FOR OBJECTION

- The tree (Oak) is too close to the house (distance of 7m).
- The tree (Oak) blocks light.
- Fear that the tree (Oak) could cause damage to the roof/foundations.
- The tree (Oak) is not clearly visible from the road and therefore has limited amenity value.
- The Tree (Silver Birch) is preventing landscaping and the construction of a new driveway at the front of the property which is needed by residents.

3. SITE AND LOCATION

3.1 New House, Back Street, Garboldisham.

4. EIA REQUIRED

4.1 No

5. RELEVANT SITE HISTORY

5.1 18th November 2021 Council receive a section 211 notice giving notification of the intention to fell the Oak and Silver Birch at New House.

5.2 23rd November 2021, site visit undertaken by HC following Tree Evaluation Method for Preservation Orders (TEMPO) assessment undertaken by HC. A score of 17 was recorded for the Silver Birch and 20 for the Oak. Recommendation for any score of 16 is that the tree definitely warrants a Tree Preservation Order (TPO).

5.3 24th November 2021 Following the site visit and assessment, confirmation was given by the council to proceed with serving a TPO on both trees.

6. POLICY CONSIDERATIONS

- 6.1 The following policies of the adopted Breckland Local Plan have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate.

ENV 06 Trees, Hedgerows and Development
NPPF Section 15

7. CONSULTATIONS

- 7.1 Parish Council - Comments received:

“This property is situated in the Conservation area of Garboldisham Village, and it is the understanding of the Parish Council that this means that all trees within this area are protected. Whilst the birch tree at the front of the property is possibly of lesser merit, the Oak Tree at the rear is a fine specimen, and was obviously at maturity when the property was built. The Council would consider that, having viewed the area, a trimming of both trees would be preferable to complete felling”.

- 7.2 Ward Rep - No comments received.

8. REPRESENTATIONS

- 8.1 26th December 2021 a formal objection to the serving of the TPO was received by email.

9 CONCLUSION

- 9.1 The Local Planning Authority would like to make it clear that the Tree Preservation Order is intended to maintain the amenity afforded to the public by trees and recognizes that reasonable pruning, and sometimes felling, with consent is often necessary to achieve long term sustainability of trees. The TPO should therefore be seen as a requirement for consultation rather than a blanket prohibition.
- 9.2 The order does not prevent the owners from using a contractor of their choice. It does enable the Council to have some control over the work which is undertaken and the powers to condition that work is completed to a high standard and in accordance with current best practice.
- 9.3 It is acknowledged that the tree is close to the dwelling, however it is considered that adequate clearances can be maintained by pruning which would not be harmful to the overall health and appearance of the tree.
- 9.4 No information has been provided that there are any significant defects that would suggest that either tree is likely to fail at this time.
- 9.5 Currently there is no evidence that the tree is causing any structural damage to the dwelling. If evidence is provided to suggest otherwise, then it is recommended that the removal of the trees should be reconsidered.
- 9.6 It is considered that both trees make a positive contribution to the amenity of the conservation area. Both trees are visible from the road, and both appear to be in good condition with no significant defects.

10 RECOMMENDATION

- 10.1 Confirm the order.