

**PLANNING
COMMITTEE**

**22 NOVEMBER
2017**

AGENDA ITEM 12

**SUPPLEMENTARY
REPORT PACK**

UTT/17/2498/TPO

Committee: Planning

Agenda Item

Date: 22nd November 2017

12

Title: UTT/17/2498/TPO

Application for consent to fell 1No. walnut tree subject to tree preservation order No.4/12 at 53, Landscape View, Saffron Walden.

Author: Ben Smeeden
Landscape Officer

Item for decision

Summary

This item seeks the Committee's consideration of an application for consent to fell 1No. Walnut tree in the grounds of 53, Landscape View, Saffron Walden. The applicant is a former District Council ward member for Ashdon.

Recommendations

1. The application for consent to fell the walnut tree is refused for the reasons that the loss of this tree would be detrimental to public amenity and the visual quality of the surrounding area.

Financial Implications

None

Background Papers

2. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

UTT/17/2498/TPO application and Appeal Decision APP/TPO/C1570/3441

Impact

- 3.

Communication/Consultation	Weekly List.
Community Safety	None
Equalities	None
Health and Safety	None

Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

4. An application has been received seeking consent to fell a mature walnut tree situated in the rear garden of 53, Landscape View (Appendix 1: Location plan and Appendix 2: Photograph of the walnut tree). The reasons stated by the applicant for seeking to fell the tree are summarised as follows:
 - The tree is too big and is extremely high.
 - Low branches overhanging the garden shading the house and garden, and that of the neighbours’.
 - The cost of regular maintenance of the tree is very high.
 - The District Council has not objected to other trees being removed in the vicinity, or made other trees in the general locality subject to a TPO.
 - The applicant wishes to replace the walnut with one or two fruit trees elsewhere in the rear garden.
5. The tree has been inspected by an arboriculturist from Place Services on behalf of UDC. Their recommendation is the application to fell the tree is refused.
6. Previously, an application for consent to reduce the walnut tree by up to 50% was refused in 2013. The applicant appealed this decision and the appeal was subsequently dismissed. The Arboricultural Inspector concluded that “The appeal tree contributes to local visual amenity and landscape quality”, and “I do not consider that the tree is excessively large for its setting, or that it is oppressive. For these reasons, I dismiss the appeal”.
7. The walnut tree is a mature specimen of some 15m in height, well-formed with a broad and balanced crown. It is free of any significant defects and is in good general health and vigour. The tree forms a backdrop to houses softening the built forms when viewed from the public highway, and visually contributes to the local character and visual amenity of the surrounding area. The tree is expected to have a remaining lifespan exceeding 50 years.
8. The tree is not considered to shade a large part of the applicant’s garden, or that of the neighbouring properties. The full enjoyment of the applicant’s garden is not considered to be compromised by the tree’s presence. Whilst the

tree does cast early morning shade across the rear elevation of the applicant's house during the summer months, ambient light levels to the windows are not considered to be significantly affected.

9. The walnut tree's water uptake during the growing season, and the shade cast directly beneath the tree's canopy, will affect what plants can be successfully grown, however, there are plants available which are tolerant of such conditions. The suppression of the sward beneath the tree is considered to be limited.
10. The applicant's expenditure, or potential expenditure, on the maintenance of their property, which includes the tree, is not considered to be a material factor in determining this application.
11. The protection of other trees in the vicinity of the applicant's property is not a relevant factor in the determination of this application. The making of tree preservation orders is subject to individual assessment.
12. The applicant's stated intention to plant one or two fruit trees elsewhere in their garden would not compensate for the loss to public amenity if the walnut tree were to be felled.

13. Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
1. There are no risks associated with the recommendation	1. None	1. No impact	None

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix 1: Location plan



	<p>UTTLESFORD DISTRICT COUNCIL TREE PRESERVATION ORDER</p>	<p>No. 4/12 - Saffron Walden 53 Landscape View</p>	
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<p>DATE:03/09/2012</p>		<p>MAP REFERENCE: TL5336NE</p>	<p>SCALE:1:1250</p>

Appendix 2: Photograph of walnut tree (2013)

