

AGENDA ITEM NO: 8/1(a)

Parish:	Dersingham	
Purpose of report:	TO CONSIDER WHETHER TREE PRESERVATION ORDER 2/TPO/00547 SHOULD BE CONFIRMED, MODIFIED OR NOT CONFIRMED IN THE LIGHT OF OBJECTIONS	
Location:	Within the garden area of 16 Park Hill, Dersingham, PE31 6NE	
Site owner/occupier:	Mr & Mrs M Judd	
Case No:	2/TPO/00547	
Grid Ref:	567763 340441	Date of service of Order: 6 th June 2016

RECOMMENDATION - CONFIRM ORDER WITHOUT MODIFICATION

THE SITE

The trees (T1 Oak, T2 & T3 Beech) are growing within the garden area of 16 Park Hill Dersingham, T2 & T3 to the South-West of the property, and T1 to the North-East. T2 & T3 are growing along the existing driveway and are clearly visible on the approach to the property and can be seen from Hunstanton Road. T1 is growing to the rear of the property and adds greatly to the area both visually and from a wildlife perspective. As these trees mature further they will continue to add to the amenity and biodiversity to this edge of Dersingham. The site is outside of the Conservation Area for Dersingham.

PLANNING POLICIES

CS12 – Environmental Assets

REASON FOR MAKING THE TREE PRESERVATION ORDER

Some of the trees identified on the plan are under perceived threat of development and given their contribution to the local landscape it is considered expedient in the interests of amenity to include them on a Tree Preservation Order.

OUTLINE OF OBJECTIONS AND REPRESENTATIONS

ONE objection was received from Mr M Judd, following receipt of the Tree Preservation Order; his reasons for objection are as follows:

1. The property was purchased in May 2016 and it is the intention to renovate and extend the existing neglected property with improvement potential. They were also aware of the pre-application ref- 15/00174/PREAPP that had been made, and approved, for the potential of a building plot to the North-West of the property. The current owners carried out their 'due diligence' and they paid the price for the property after considering all the facts that they had at the time. As a chartered building surveyor and registered valuer the objector is full aware of land prices relating to property and land with a possible

building plot. It is understood that the TPO was served due to the '...perceived threat of development' and if this was the case why was the TPO not served on the previous land/property owner prior to the sale and after the PREAPP back in 2015 when the threat of development would be clear?

2. The TPO would have a significant detrimental effect on the value of the property/land due to the additional expense any future developer would have to endure in order to safeguard the root protection area imposed by the TPO and the placing of the TPO would place a financial burden on the current owners for which they would seek compensation from BCKLWN.
3. The objector has made reference to; TPO: A Guide to the Law and Good Practice – 5th May 2006:

The power to make a TPO is in part in the interests of 'Amenity'. The LPA should be able show that a reasonable degree of public benefit would accrue before TPO's are made or confirmed. The tree, or at least part of it, should therefore be normally visible from a public place.

The trees in question are not visible from a public footpath or road, the road leading to 16 Park Hill is private and not accessible to the general public and T1 is located further to the rear of the plot and is shielded by the property.

4. The objector has discussed the TPO with a local tree surgeon and their comments are as follows: The Beech trees noted as T2 & T3 on the plan are set too close together and both are competing for canopy space. Due to the relative rareness of the red beech T2, the green Beech, T3, should be sacrificed in order for the red Beech to flourish.

FOUR emails supporting the serving of the TPO have been received from members of the public; these are on the grounds of:

- landscape history
- visual amenity
- a focal point to the end of the cul-de-sac
- helping drainage in this particular area.

RESPONSE TO OBJECTIONS

1. It is accepted that a TPO could have been served earlier. However this does not bar the LPA from serving the TPO when it did. The mature trees and their retention are also mentioned in the pre-application response. The owner can work around the trees in any potential new development on the site.
2. There are no exceptional financial burdens or constraints on landowners with trees protected by a TPO. Given the situation and position of the trees it is expected that all mature trees will require some form of remedial work regardless whether a TPO is served or not, and all trees that are on development sites have Root Protection Areas (RPA) that should be protected; trees can also be protected through the planning process via planning conditions.
3. Parts of the two Beech trees, T2 & T3, are visible from the Hunstanton Road. All of the trees are visible to the residents of Park Hill. Whilst it is acknowledged that Park Hill is a private road, number 16 does have many neighbouring properties that will have a clear view of the trees covered by this TPO.

4. It is unclear what qualifications tree surgeon has but I have to disagree with the advice given; it is clear that both T2 & T3 have grown up together and, rather than competing, the crowns of both trees have formed a single, attractive crown. Indeed, the fact that one of them is a Copper Beech adds further to their visual appeal. Should either of these trees be removed it would leave the surviving tree open to environmental pressures that it previously would not have experienced as they would have 'protected' each other whilst they are growing.

CONCLUSIONS

In conclusion these trees contribute to the character and appearance of the street scene and the wider landscape, both now and, more importantly, into the future. It is considered that the reasons put forward by the objector are of insufficient weight to overcome the harm to the character and appearance of the locale that would occur should they be removed. It is therefore recommended that the order be confirmed.

RECOMMENDATIONS

That the order be confirmed without modification

Background Papers

TPO file reference 2/TPO/00547

King's Lynn and West Norfolk Core Strategy 2011

Appendix 1: copy of the scoring assessment.

Contact Officer: Mr R. Fisher, Arboricultural Officer 01553 616386