

**Consultation Response from KC,
Trees****2023/91483 adj, 33a, Church Lane, Clayton West, Huddersfield, HD8 9LY****Demolition of garage and erection of detached dwelling****Date Responded: 06/02/2024****Responding Officer: D. Atkinson****Responding Ref: 87/91**

The Horse Chestnut (T2) and Lime tree (T1) are protected by Tree Preservation Order 87/91.

A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the:

- cutting down
- topping
- lopping
- uprooting
- wilful damage
- wilful destruction

of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed. In the Secretary of State's view, cutting roots is also a prohibited activity and requires the authority's consent.

The Arboriculture Impact Assessment (AIA) submitted for the application Ref: 230329 AIA doesn't include the Tree Survey (TS) on which it is based Ref: 230329/TS. There also appears to be change in the valuation/condition assessment of the trees between the AIA and the TS. T2 has changed from Category U in the TS to being retained within the AIA.

Category U trees are those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years and a serious, irremediable, structural defect, such that their early loss is expected due to collapse. This can mean trees considered to be in this condition aren't retainable on site irrespective of development, for example dead trees.

The recommendation at the TS stage was to remove T2, but there is no explanation for the change.

From BS5837:2012 section 5 (5.2.3.g) a consideration is the proposed end use of the space adjacent to retained trees.

For this development the proposed parking for the new dwelling will be under the of the Lime (T1). It will also restrict the parking of the current dwelling (33a) to being under the Lime tree and Horse Chestnut. Lime trees can drop a large amount (perceived or otherwise) of debris (i.e. twigs, epicormic growth and dead wood of various sizes).

An example of car parking and the debris from a protected Lime tree contributing to pressure to remove/undertake works on it is application 2023/TWA/93277/W.

Horse Chestnuts (T2) similarly seasonally produce and drop conkers, that can (perceived or otherwise) potentially damage cars parked underneath. An example of Conkers contributing to pressure to remove/undertake works on a protected Horse Chestnut tree is application 2023/TWA/92379/E.

The current property could foreseeably notice the issues above when cars are parked under the canopies. However, the existing garage, and a section of driveway aren't under the canopies of the trees, so the car/s could be parked in the garage protected or at least in a less impacted zone. This gives the current residents a choice, which the future residents will not.

The relationship of buildings to large trees can cause apprehension to occupiers or users of nearby buildings or spaces, resulting in pressure for the removal of the trees and this is the concern here. That once occupied and following a growing season, the development and change in relationship to the trees it will result in pressure from residents to prune and/or remove the trees to abate issues they cause to them.

KC Tree recognise that any such works would require consent from the Council, but when exercising that control in the future, the Council would have to take into account the existing situation including the presence of the proposed dwelling.

Kc Trees accept that prospective buyers of the proposed dwelling would be aware of the existing trees at the time of purchase. However, the effects of the trees on everyday living conditions may not be fully appreciated, particularly as the trees continue to grow over time.

Overall, there is an objection to the proposal from a KC Trees perspective. KC trees are not convinced that the AIA has given due consideration to the proposed end use of the space adjacent to retained trees and it is considered that this would place additional pressure on the trees for the reasons mentioned above and the proposal conflicts with adopted KC Local Plan Policy LP24 (i) and LP33.