

**Consultation Response from KC,  
Trees**

**2023/92059 23, Dirker Bank Road, Marsden, Huddersfield, HD7 6AR**

**Erection of detached building to create dwelling forming annex accommodation associated with 23, Dirker Bank Road, Marsden, Huddersfield, HD7 6AR**

**Date Responded: 07/12/2023**

**Responding Officer: D. Atkinson**

**Responding Ref:**

Thank you for the consultation and I sincerely apologise for the late reply.

The proposed development is constrained by existing, hedging/shrubs and a couple of small trees along the boundary of the site within the property directly to the north of the development site.

From the information provided and site visit pictures, these trees are not of amenity value enough to merit alteration and/or objection to the proposal from a trees perspective.

However, there foreseeability will be an direct and indirect impact to them as part of the development and once occupied.

Directly there will foreseeably be the need for facilitation pruning to branches and roots of the vegetation.

It is generally best to discuss potential work with the tree owner beforehand, but under established 'common law', the applicant should be able to prune branches and roots that grow over the boundary, with or without the owner's consent. The applicant has a legal duty, however, to take 'reasonable care' whilst undertaking the works, and they may be liable if they damage their neighbour's tree/s, or cause it to become unstable. It is therefore unwise to undertake works without first consulting an arboriculturist. The parts cut off from the tree/s remain the property of the tree owner, so they should be offered back.

The mature and well established tree to the rear of the garages to the west of the development site will not be impacted by the proposal directly or in tree opinion enough indirectly to merit an objection on tree grounds.

With the tree appearing to be within Kirklees Land it would be subject to Council Owned Trees and Woodlands Policy Risk Framework Management Standards Service Standards that have recently been adopted.

Overall, there is no objection to the proposed from a tree's perspective and at the moment it isn't considered necessary to include tree related conditions.

Please include an informative about the common law/legal duty above and that the 'Bird Nesting Season' is officially from February until August (Natural England) and it is recommended that vegetation works (tree or hedge cutting) or site clearance should be done outside of the nesting season. Failure to do so could result in a wildlife crime under the Wildlife & Countryside Act 1981.