

Consultation Response from KC,
Trees

2023/93114 23, Oldroyd Way, Dewsbury, WF13 2JJ

Erection of two storey side, front and rear extensions, replacement garage and associated alterations following demolition of existing conservatory and garage

Date Responded: 10/01/2024

Responding Officer: D. Atkinson

Responding Ref: 06/92

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

The proposed development site is heavily constrained by existing mature trees that are protected by Tree Preservation Order (TPO) 06/92.

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.

From the information available the proposed erection of two storey side, front and rear extensions, replacement garage and associated alterations following demolition of existing conservatory and garage is foreseeably going to impact on the protected trees both directly and indirectly.

This could be through the encroachment into the Root Protection Area (RPA) of the trees, facilitation pruning, soil compaction and changes in the relationship of the property to the trees and vice versa, which could lead to future pressure to prune or remove the trees once the extensions etc. are occupied.

There isn't a BS5837:2012 guided tree survey and Arboriculture Impact Assessment (AIA) from a reputable and suitably qualified project arboriculturist.

Existing trees are an important factor on construction sites, whether on or near the working areas, and trees are a material consideration in the UK planning system. Where proposed development is subject to planning control and constrained by TPOs which is the case here, a BS5837:2012 guided tree survey along with input from the project arboriculturist as the development progresses should be regarded as an important part of the evidence base underpinning the design and layout.

Overall, there is an objection to the proposal from an arboriculture perspective. It is conflicting with the adopted Kirklees Council Local plan Policy LP24 (i) and LP33.

The default position should be that structures are located outside the RPAs of trees to be retained. However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the trees. If operations within the RPA are proposed, the project arboriculturist will need to:

- Show that the trees can remain viable, and that the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA;
- propose a series of mitigation measures to improve the soil environment that is used by the tree for growth.

From an arboriculture perspective, for the objection to be reconsidered the following is needed:

- BS5837:2012 guided tree survey

- Tree retention/removal plan (finalized)
- Retained trees, canopy spreads and RPAs accurately shown on proposed layout.
- Arboricultural impact assessment
- Existing and proposed finished levels
- Tree protection plan
- Arboricultural method statement
- Details for all special engineering within the RPA and other relevant construction details.