

**Consultation Response from KC,
Trees****2024/90769 adj, 27, Riley Park, Kirkburton, Huddersfield, HD8 0SA****Erection of one detached dwelling and associated works****Date Responded: 30/04/2024****Responding Officer: D. Atkinson****Responding Ref: CA15**

Thank you for the consultation.

The development site is constrained by trees on the northern boundary that are protected by the Kirkburton Conservation Area.

Trees in a conservation area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority, using a 'section 211 notice', 6 weeks before carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the 6 week period if the local planning authority gives consent. This notice period gives the authority an opportunity to consider whether to make an Order on the tree.

From the information provided the proposed is nestled amongst existing trees and requires the pruning and remove of a couple of trees in order to facilitate. These are H2, T4 and T8 that require removal and T15 and T17 that require facilitation pruning.

The 20% reduction of T15 is the most significant works proposed in terms of trees.

The main concern from KC trees is that although the property appears to be able to be built without significant impact on the existing trees. It appears likely that once occupied the trees will be removed, as a result from pressure from home insurance companies, apprehension and/or just wanting more usable/unshaded garden space.

This puts T15 – T24 and T11 at risk of pruning or removal, in KC Trees opinion.

The property and the small amount of usable garden space there is also right next to H9, which is a 3m tall cherry laurel hedge.

The development and size of the hedge (especially if it isn't maintained for whatever reason) could make it subject to a High Hedge Complaint instigated by future residents of the development under the Anti-social Behaviour Act 2003 section 8 for high hedges. So, although not a planning matter/not a significant, it is a consideration for the hedge owner.

From drawing 3106-005, the construction appears to significantly encroach into the RPA of the Cedar (T3).

Overall, there is an objection to the proposal from a KC Trees perspective. Because it is conflicting with adopted Kirklees Council Local Plan LP 33 and LP24(i).