

Consultation Response from KC, Trees
2025/92135 2, Hollybank Avenue, Upper Batley, Batley, WF17 0AQ
Erection of single storey rear extension, rear dormer, first floor balcony on front elevation enclosed with feature gable windows.
Date Responded: 20/01/2026 Responding Officer: Hazel Irving Responding Ref: 23/77/a29

There are trees present offsite along the Eastern boundary, which overhang the rear garden of the subject property. These trees are protected under the tree preservation order (TPO) 23/77/a29. Additionally, the trees are protected under the UPPER BATLEY conservation area.

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.

It is understood the application is for permission to construct a significant rear extension, which would fill the available space within the rear garden and threaten the protected trees on the Eastern boundary.

The extension is proposed to significantly encroach on root protection areas of protected trees, and the resultant building would be beneath the canopy line. These proposals are unacceptable from an arboricultural perspective as they would endanger the health of these protected trees, which would constitute a loss of ecological, environmental and amenity value to the surrounding area.

There is an objection from an arboricultural perspective. The proposal conflicts with the NPPF and adopted Kirklees local plan policy 33 and 24 (i).

LP 33: *"The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity value.*

Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the wildlife Habitat Network and green Infrastructure networks. Proposals will need to comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction."

LP 24: *"Proposals should promote good design by ensuring:- i) the retention of valuable or important trees"*

NPPF Paragraph 136: *"Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure (...) that existing trees are retained wherever possible."*