

REPORT SUMMARY

CASE REFERENCE: 24/502221/TPOA		
ADDRESS: 17 Chattenden Court, Penenden Heath, Maidstone, Kent ME14 2AW		
PROPOSAL: Tree Preservation Order (2 OF 2000) application: T1 Acer: Crown lift to 3m to give reasonable space under the tree and protect branches, thin by 20% to let light through and remove crossing branches. Reduce width by 3m to give clearance of property (5.5m to 2.5m)		
RECOMMENDATION: RECOMMEND Approval – subject to CONDITIONS / REASONS and INFORMATIVES		
SUMMARY OF REASONS FOR RECOMMENDATION: The works are considered proportionate and reasonable and will not be a detriment to the health of the tree or sylvan character of the area.		
REASON FOR REFERRAL TO COMMITTEE: Maidstone Borough Council Parks & Open Spaces Department are the applicant.		
PARISH:	WARD: Penenden Heath	
APPLICANT: Maidstone Borough Council	AGENT: Qualitree Services	
CASE OFFICER: Paul Hegley (MBC)	SITE VISIT DATE: 05.06.2024	
DATE VALID: 28.05.2024	CONSULTATION EXPIRY: 13.08.2024	DECISION DUE: 23.07.2024

RELEVANT PLANNING HISTORY

Planning:

23/505663/TPOA - TPO application to crown lift one Acer (T1) & one Oak (T2) to 3m and thin by 20%. Reduce width by 3m to give clearance of property 5.5m to 2.5m - **No Further Action Required** - **23.07.2024**

24/502221/TPOA - Tree Preservation Order (2 OF 2000) application: T1 Acer: Crown lift to 3m to give reasonable space under the tree and protect branches, thin by 20% to let light through and remove crossing branches. Reduce width by 3m to give clearance of property (5.5m to 2.5m) - **Pending Decision** -

Enforcement:

None

Appeals:

None

MAIN REPORT

1. DESCRIPTION OF TREES

- 1.01 The tree subject to this application is located in the amenity ground that flanks the Applicant's rear garden.
- 1.02 The tree is a Maple that has a low crown and overhangs the shallow garden by approx. 2.5m.
- 1.03 The tree forms part of a group that provides a screen across the end of the applicant and next-door garden.

2. PROPOSAL

- 2.01 T1 Acer: Crown lift to 3m to give reasonable space under the tree and protect branches, thin by 20% to let light through and remove crossing branches. Reduce width by 3m to give clearance of property (5.5m to 2.5m)

3. PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No.2 OF 2000:

No 2 of 2000 Group of Trees - G8 consisting of 11 Sycamore, 1 Holly

<http://services.maidstone.gov.uk/maps/astun.ishare.web/mymaidstone.aspx>

- 3.02 Conservation Area:

NO

4. POLICY CONSIDERATIONS

- 4.01 Government Policy:

National Planning Policy Framework (2023)

Planning Practice Guidance Tree Preservation Orders and trees in conservation areas, March 2014.

The Town and Country Planning (Tree Preservation)(England) Regulations 2012

- 4.02 Compensation:

A refusal of consent to carry out works on trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal.

5. LOCAL REPRESENTATION

- 5.01 No Representations have been received either supporting or objecting to the application.

6. CONSULTATIONS

- 6.01 Properties adjacent to the application site have been consulted and a site notice put up along the road close to the applicant's property. No subsequent representations have been received.

7. APPRAISAL

T1 on application form (single tree designated within G8 on the TPO).

7.01 Condition:

Good – No significant defects noted.

7.02 Contribution to public amenity:

Good – Clearly visible to the public.

7.03 Retention/Longevity:

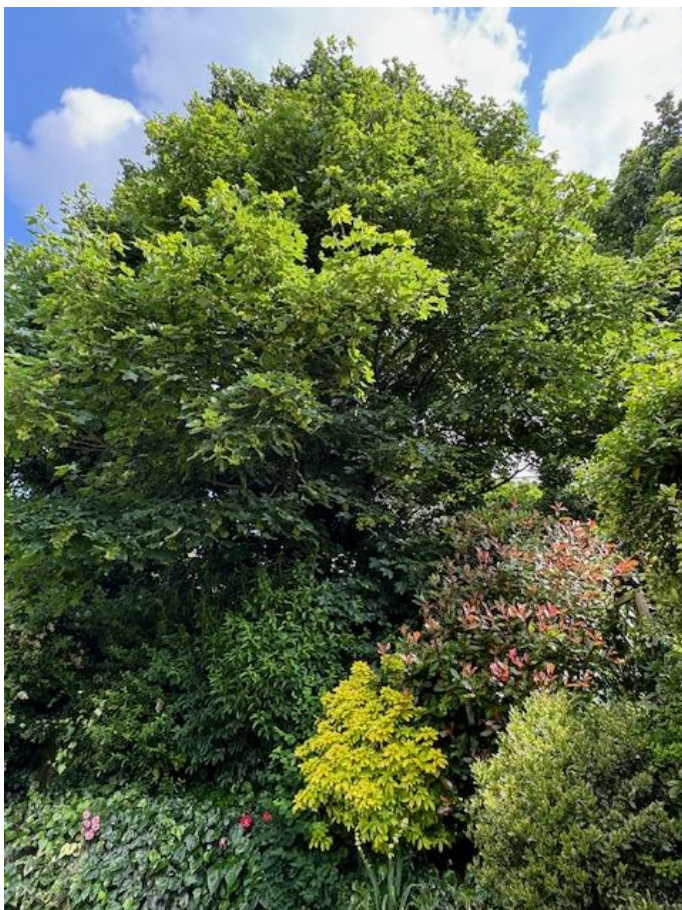
Long – With an estimated remaining life expectancy of at least 20 years.

7.04 Comments/Considerations on Proposal:

Growing within an area of dense vegetation the base of the tree was not visible behind the fence when inspected. However, the tree appeared to be in good condition with a healthy vitality for its age and species. Please refer to photo 1 shown below.

The proposed raising of the crown (over the garden), a 20% crown thin coupled with a slight reduction, of branches overhang the garden is not considered detrimental to the health of the tree or its visual appearance.

Photo 1 – View of the Maple T1 from the rear garden of 17 Chattenden Court



8. CONCLUSION

8.01 The works are considered acceptable arboricultural management.

9. RECOMMENDATION

9.01 **RECOMMEND Approval** – Subject to the following CONDITIONS / REASONS and INFORMATIVES.

- (1) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

- (2) The tree surgery work hereby permitted shall consist only in the operations specified in writing.

Reason: To avoid doubt and to ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area.

Informatives:

- (1) Adjacent trees should be protected from damage during the course of the tree works hereby allowed/permitted in accordance with the current edition of BS3998. Any damage which occurs as a result of poor arboricultural practice and which affects the structural stability and/or health and longevity of adjacent trees may result in legal action against you.
- (2) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.
- (3) The material generated from the tree work hereby permitted should be disposed of, or processed as necessary, to leave the site in a safe and tidy condition following each phase/ completion of the work.
- (4) Removal of dead wood from protected trees is an exception to current legislation and does not require a formal application. However, the regulations require five days notice in writing of intention to carry out such works. Its inclusion on this application is considered to satisfy that requirement.

Case Officer: Paul Hegley (MBC)

NB – For full details of all papers submitted with this application, please refer to the relevant Public Access Pages on the Council's website.