

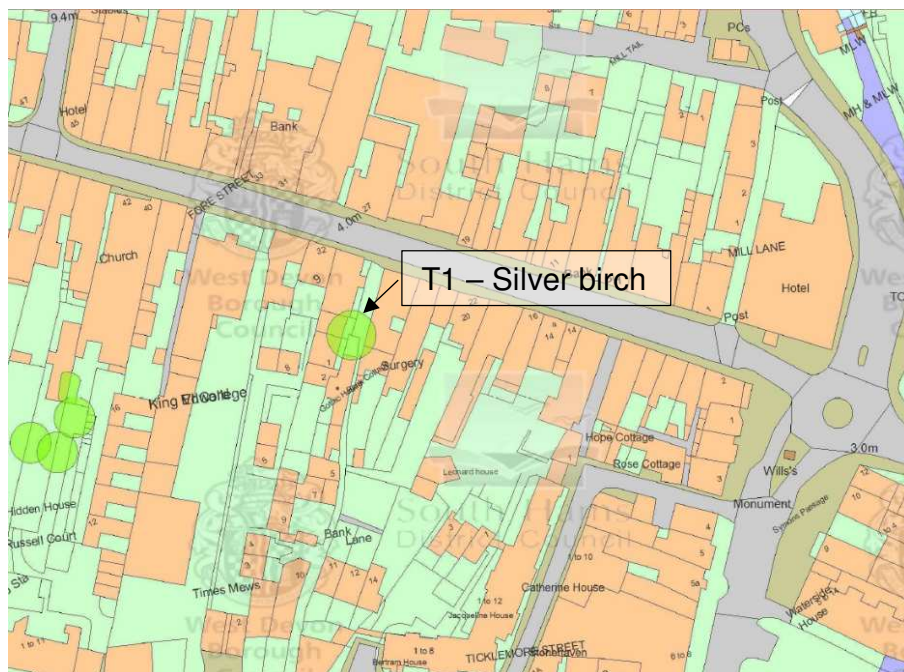
## Application to work on Trees subject to a Tree Preservation Order Assessment and Recommendation



**Tree Preservation Order :** 915  
**Site Address:** The Gothic House 4 Bank Lane Totnes TQ9 5EH  
**Application Register No :** 3342/17/TPO  
**Proposed works:** T1– Silver Birch - FELL  
**Date of Application :** 12/10/2017  
**Target Decision Date :** 07/12/2017

**Reason item is being put before DM Committee:** The Ward Members note the finely balanced nature of the decision in consideration of the importance of the tree and improvements to the setting of the listed dwelling resulting in the felling of the tree. Members have therefore requested that the application is considered by the Development Management Committee

Site assessed by : Alex Whish  
Date : 4<sup>th</sup> December 2017



### Recommendation: Conditional approval

#### Conditions:

1. Works to BS 3998:2010
2. Replacement planting – 2no. Yews

## **Key issues for consideration:**

The impact on the local amenity and character of the Conservation Area.

## **The proposal:**

The Tree Preservation Order application seeks to fell a single silver birch tree (TPO 915). The tree is located in front of Gothic House, 4 Bank Lane, Totnes. The building and tree are set back from the main town high street (Fore Street) adjacent to a public passage way which connects to Victoria Street.

Gothic House is being renovated in accordance with approved Listed Buildings consent and includes the renovation of the front garden space. The designs of the new garden propose the removal of the silver birch tree, with a more appropriate scaled replanting and reinstatement of paving and railings original to a historic scheme. The design also includes the planting of two yew trees that will be managed as topiary. They will be clipped to manage the size and form, in scale with the new garden design to mitigate the loss of the birch tree.

## **Consultations:**

- Totnes Town Council and Tree Warden – No objection raised with request that the tree is replaced with an appropriately sized tree
- Representations: None received

## **Relevant Planning History**

- 1494/17/LBC - Listed building consent for extension in rear courtyard, re modelling of existing kitchen/utility area, reopening of original door onto Bank Lane, provision of additional en suite bathrooms, installation of conservation area roof lights, reinstatement of railings and gate to front  
*Conditional Approval*
- 1493/17/HHO - Householder application for extension in rear courtyard, re modelling of existing kitchen/utility area, reopening of original door onto Bank Lane, provision of additional en suite bathrooms, installation of conservation area roof lights, reinstatement of railings and gate to front.  
*Conditional Approval*
- 3954/16/COU – Change of use from offices to residential – *Conditional Approval*
- 3706/16/TPO – T1 – Silver birch – Dismantled and fell – Lesser Works allowed (18.11.2016)
- 56/0261/15/TCA – T1 - Silver birch – fell – *TPO served* (29.01.2015)

## **Analysis**

The tree has been assessed and considered in its context, and the planning history noted. The application seeks to fell a single, silver birch, tree located in the front of Gothic House (Grade II, listed), and part of the streetscape. The reasons set out for felling the tree are to allow the implementation of a new garden design as part of the overall improvements to the main house, which is listed. The new design seeks to reflect the original historic garden with railings and central feature, and to open up views the front elevation of Gothic House. These improvements will benefit the public amenity offered by the interesting building and see a renovated garden that better reflects the heritage value. The railings and new front gate form part of the consents relating to the dwelling and are secured by condition.

Past applications to fell the tree have been refused given the tree's recognised amenity. However, previous applications offered no mitigation and did not relate to overall improvements now established

for the property and its setting. Also, retaining the tree will prevent installation of the original railings and laying of the paving.

Whilst it is acknowledged that the amenity value of the existing tree will be lost when it is felled, officers are of the view that the proposed re-instated garden, with new trees and additional features, will mitigate the loss and provide clear enhancements to the public realm, including opening up views of the historic building itself. The overall scheme and removal of the tree has also been discussed and considered by the Council's Conservation Officer, Graham Lawrence. Following an initial arboricultural assessment which recognises the amenity value of the tree, which is in a fair condition and late maturity, and subsequent consideration of proposed mitigation thought implementation of the new garden design and replacement planting, officers are of the clear view that the overall visual amenity and character of the Conservation Area will be retained and enhanced should the tree be felled.

### Conclusion

For the reasons outlined above and within the following site assessment, the application to fell the silver birch tree is considered acceptable. Officers are satisfied that a balance can be achieved between conserving the overall visual amenity, in consideration of the proposed new garden and planting of the two yew trees which will be subject to topiary.

This application is therefore recommended for approval, subject to appropriate conditions to secure replacement planting and implementation of the garden scheme.

### On Site Assessment

1.

Are the trees covered by a current TPO? **Yes**

Comments:

This Order was served following an application to fell the silver birch tree because it is within the Totnes Conservation Area.

2.

Are some, or all, of the works exempt from the need for formal consent? **No**

3.

Description of the tree(s) and location.

The single tree T1 – Silver birch is located within Bank Lane, set back approximately 20m off the main shopping street. The tree is clearly visible from Fore Street, growing between properties and its current form and density fits well within the setting. The tree has been sensitively reduced in heights and is in good structural and physiological condition.

4.

What is the amenity value of the tree(s)? **please circle**

<b>None:</b>	Can't be seen	<b>Some:</b>	i.e. Roadside trees and parks
<b>Very Little:</b>	Seen with difficulty	<b>Considerable:</b>	i.e. Town Centre
<b>Little:</b>	i.e. Enclosed rear garden	<b>Great:</b>	Significant feature tree

From which public locations can the tree(s) / hedge(s) be viewed? Adjacent public open space

Do the trees screen between properties **Yes**

Comments:

The trees currently screen the dwelling from the adjacent public open space. This screening will be substantially increased by the new planting within the recreation, with continuity also provided by the replacement tree.

5.

What impact will the works have on local amenity? **please circle**

<b>None:</b>	Can't be seen	<b>Medium:</b>	Noticeable but limited
<b>Low:</b>	Very minor in appearance	<b>High:</b>	Major impact

6.

Do the proposed works accord with good arboricultural or silvicultural practice? **Works not required**

7.

Is any damage likely to arise if consent is refused? **Some nuisance to adjacent buildings**

Comments: The tree will require regular assessment and minor works to prevent nuisance branched close to adjacent dwellings and lifting of paving.

8.

**Assessment.** Give a succinct assessment of the application and appraisal of the proposed works.

1. The tree is prominent within the street-scene when viewed at the entrance to Bank Lane from the high street. It is one of two trees noted within this overall street scene.
2. It obscures Gothic House and softens the scene and given its species is dappled and narrow crowned.
3. Its retention will require ongoing minor pruning to abate a nuisance. It has a reasonable relationship with the buildings.
4. There are no arboricultural defects
5. It has a reasonable life expectancy although in late maturity for species.
6. The proposed new garden design cannot be implemented if the tree remains due to root/trunk location. Proposed replacement planting with two yews which will be managed as topiary features.

9.

**Recommendation (please tick)**

**Approval**

Works:

Conditions: Yes Works to BS 3998 Yes Replacement Planting Yes  
Implementation of garden scheme with two yew trees.

10.

Has the application been assessed in relation to Article 1, Protocol 1, Article 2 and Article 8 of the Human Rights Act. **Yes**

**Tree Condition, assess and number accompanying plan or refer to submitted application report.**

Tree No.	Species	Height (m)	Spread (m) Average	Age Class	Life Expectancy	Condition	Assessment of Stated Reasons for Works
T1	Betula pendula	12m	4m	M	M	Fair	Fell – considered acceptable in context of garden design and setting of LB

Age Class

**Young** First 1/3 life expectancy  
**Middle Age** 1/3 to 2/3 life expectancy  
**Mature** Final 1/3 life expectancy

Life Expectancy

**S** Short (<10 years)  
**M** Medium (10-40 years)  
**L** Long (40 + years)

Condition

**Good** Free from significant defects with a healthy crown  
**Fair** Some defects, generally healthy crown  
**Poor** Structural defects, poor general health and vigour