

DELEGATED FILE NOTE

CASE OFFICER: ...Harriet Sanders.....

**APPLICATION
REFERENCE**

**BRIEF DESCRIPTION OF
DEVELOPMENT**

APPLICATION SITE

25/00239/TPO

T1 Walnut - Remove. T2 Purple Beech -
Prune

5 Pirton Close
Hitchin
Hertfordshire
SG5 2BU

Submitted Plan Nos

Report and location plan

1.0 Policies

2.0 **Site History**

- 2.1 22/02799/TPO - T1 Beech - 20% reduction to previous points. T2 Walnut - 30% reduction to good growth. CP 12/12/2022. The officer report in support of the decision notes that the walnut and the beech tree “... ..are located in the front garden and are highly visible from the public realm. The trees are medium sized and do make a contribution to the visual amenities of the area and the street scene.”

3.0 **Representations**

- 3.1 None.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site comprises a detached bungalow at the end of the cul de sac Pirton Close in a residential part of Hitchin. Two trees in the front garden are covered by TPO/53. These include T1 walnut and T2 purple beech.
- 4.1.2 The supporting Arboricultural Impact Assessment prepared by Abbots Arboricultural Advice dated 16/09/2024 notes that T1 and T2 are noted to be older than the property. The report states that the site appears to have formerly been part of an older curtilage and that T1 and T2 pre date the building by many years.

4.2 **Proposal**

- 4.2.1 T1 Walnut - Remove. T2 Purple Beech – Prune.

4.3 **Key Issues**

- 4.3.1 The key issue relevant to the assessment of this application is the appropriateness of the works given that the trees are protected by a Tree Preservation Order (TPO/053).

- 4.3.2 The applicant seeks to fell T1 walnut and prune T2 purple beech.

T1 Walnut – Fell.

- 4.3.3 The applicant specifies on the application form that:

- ☐ The tree blocks sunlight/daylight to property causing excessive shading.
- ☐ States that the Arboricultural Report notes that T1 is in poor condition and is structurally compromised by trunk damage.
- ☐ T1 is 50% of its potential size and that action needs to be taken now to eliminate future significant problems, danger and cost.

- 4.3.4 The Arboricultural Report submitted in support of the application undertook a survey of the site on 14/09/2024. The following observations/recommendations are made in the report:

- ☐ T1 is in a *fair* physiological condition. (Fair is noted in the key as symptoms of ill health that can be remediated).
- ☐ T1 is in a *fair* structural condition. (Fair is noted in the key as significant defects that can be remediated).
- ☐ Foliar condition appears stressed but that is not unusual for Walnut.

- ☐ The lower trunk is compromised by decaying branch removal wounds but that the tree is not likely to fail as a result of the two decaying branch removal wounds.
- ☐ No action recommended but recommend review in 3 year's time.

- 4.3.5 The report also notes that T1 and T2 would have been present when the bungalow was built and accordingly would have been a material consideration in the foundation design. It is therefore considered improbable that they will now react adversely with the building.
- 4.3.6 The details presented in the Arboricultural Report do not support the assertion in the application form that the tree is in poor condition and structurally compromised by trunk damage. Based on the evidence set out in the Report, the tree appears to be in adequate condition with no action required. The report does not note any danger associated with the tree's current condition. No evidence of damage to the property has been presented.
- 4.3.7 Removal of a protected tree due to overshadowing is not sufficient justification for its removal. The tree could be pruned to improve this.
- 4.3.8 The issue of the potential future growth of the tree is noted. On the basis of the recommendations in the Arboricultural Report, this is not sufficient justification for its removal.
- 4.3.9 T1 is visible from the street and makes a positive contribution to the amenity of the locality. The tree provides a positive contribution to the amenity value of the area.
- 4.3.10 It is worth noting that the purpose of a TPO is to protect a tree which has been identified as being of high merit, a specimen tree and/or attributing to the amenity value to the area. It is considered that the felling of these trees would be harmful to local character and amenity. Insufficient evidence has been provided to justify the felling of the tree and the subsequent harm to the local character and amenity of the area.

T2 Purple Beech – Prune

- 4.3.11 The applicant specifies on the application form that:
- ☐ Seek to prune to a shape and size commensurate with a front garden and to periodically prune to maintain effective management of its size and shape.
- 4.3.12 It is likely that the pruning of the purple beech would be supported. However, insufficient information as to the exact extent of the proposed pruning has not been provided. Whilst this information could have been clarified with the applicant, it was not requested due to the recommendation of refusal of the application for the reasons set out above.

4.4 Conclusion

- 4.4.1 The proposal is not acceptable due to the lack of evidence supporting why the walnut tree T1 should be felled. The supporting Arboricultural Report considers the tree to be in a fair condition, with damage that can be remediated and that the tree is not likely to fail. The report recommends 'no action' and for a review in 3 years. Pruning works to T2 Purple Beech would likely be acceptable. However, insufficient information as to the extent of the proposed pruning has not been provided.

4.4.2 The trees T1 Walnut and T2 Purple Beech are the subject of Tree Preservation Order No TPO/053 and make a positive contribution to the visual amenity of the locality. No adequate justification has been submitted in support of the application for the removal of T1 Walnut. Insufficient information has been given regarding the extent of pruning T2 Purple Beech. Therefore, in the absence of any compelling evidence being produced for the removal of T1 Walnut tree in terms of its health, condition or relationship to the surrounding buildings there is insufficient justification for consent to be granted.

4.5 **Alternative Options**

4.5.1 None.

4.6 **Pre-Commencement Conditions**

4.6.1 N/A

5.0 **Recommendation**

5.1 That consent be REFUSED.

The trees T1 Walnut and T2 Purple Beech are the subject of Tree Preservation Order No TPO/053 and make a positive contribution to the visual amenity of the locality. No adequate justification has been submitted in support of the application for the removal of T1 Walnut. Insufficient information has been given regarding the extent of pruning T2 Purple Beech. Therefore, in the absence of any compelling evidence being produced for the removal of T1 Walnut tree in terms of its health, condition or relationship to the surrounding buildings there is insufficient justification for consent to be granted.

Signed  Tom Rea	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer	
Date: 31 March 2025	

