



REPORT TO: Area No. 2 Development Control Committee

DATE: 9 March 2004

REPORTING OFFICER: Director of Technical Services
[Mrs K Williams –Planner]

SUBJECT: Tree Preservation Order 23/2003

WARD/S AFFECTED: **Knareborough East**

FORWARD PLAN REF: **N/A**

Members deferred consideration of this report to enable the committee to visit the site. Previous report as follows.

1.0 PURPOSE OF REPORT

1.1 To request the confirmation of a provisional Tree Preservation Order.

2.0 RECOMMENDATION/S

2.1 That the Committee find it expedient in the interests of amenity to confirm the Tree Preservation Order at 17 Birkdale Avenue, Knareborough.

2.2 The Director of Administration be authorised to take appropriate action to secure confirmation.

2.3 The order be confirmed as The Council of the Borough of Harrogate Tree Preservation Order No. 23 / 2003

3.0 THE REPORT

3.1 The Oak tree is situated in the front garden area of No. 17 Birkdale Avenue in a primarily residential area. The garden of this property has open boundaries with Birkdale Avenue. The tree is therefore extremely prominent and visible within the streetscene.

3.2 There were concerns that the Oak tree would be under threat following an application to extend No. 17 Birkdale Avenue at the front of the property. There were concerns about the application, which included the loss of off street parking space. The applicant could make additional parking space to satisfy the Council's parking requirement, but this could potentially damage the tree. The applicant's agent intimated that the applicant could fell the tree. The Council's Arboricultural officer was requested to visit the site.

3.3 The Council's Arboricultural officer visited the site in August 2003 following concern that the health of tree would be under threat from the proposed development or potentially from felling. The tree was considered worthy of a Tree Preservation Order and the Provisional Order 23/2003 was made on 29 September 2003.

4.0 REPRESENTATIONS

4.1 The expiry date for representations was 3 November 2003. There was a letter of objection from the occupier of 15 Birkdale Avenue. Their concerns were:

- a) 'Tree Preservations Orders should only be made when the tree is at risk – the current owner of the tree has made it healthier.'
- b) 'The Council has made a TPO as a result of its own actions, A planning application was refused on grounds which at first sight seem spurious, and there would be more parking space than at No. 7 Birkdale Avenue.'

4.2 The initial application was refused, but a subsequent alternative proposal was discussed with the owner of No. 17 Birkdale Avenue and approved. The Arboricultural officer was consulted and a condition was placed on the proposal to ensure no building materials were stored on the grassed area where the Oak tree is.

4.3 Tree Preservation Orders are not only made when trees are believed to be at risk, but also when they are regarded as being worthy of protection. The tree is of a high amenity value and is an important feature within the streetscene, which greatly contributes to the character and appearance of the locality.

4.4 With regard to the health of the tree, the Oak is a healthy specimen with minimal external defects. This tree is close to maturity and will not grow much taller; its growth will now be concentrated on expansion of the trunk and scaffold branches. This tree has developed to its environment, which consists of hard landscape as opposed to an open grassed area, where water and nutrients are freely available. The Oak is approximately 15 metres in height and aged 100 years, with a future potential of 50 years.

4.5 The tree exists on a grassed area in a tight location between the house and the highway. Construction on the grassed area would cause damage to the roots through compaction, the erosion of the trees root system would bring about the early demise of the tree.

5.0 CONCLUSION

5.1 The Oak tree, which is the subject of this order is of considerable amenity value and an order is considered appropriate to ensure its retention, particularly as they have no other protection such as pertaining to Conservation Areas

Background Papers

None

OFFICER CONTACT: Please contact Mrs K Williams, Planning Officer if you require any further information on the contents of this report. The officer can be contacted at Dept of Technical Service by telephone on 01423 556949 or by Email – kate.williams@harrogate.gov.uk

SUSTAINABILITY ASSESSMENT/POLICY CONSIDERATIONS

		Implications are		
		Positive	Neutral	Negative
A	Economy		✓	
B	Environment	✓		
C	Social Equity			
i)	General			
ii)	Customer Care / People with Disabilities			
iii)	Health Implications			
D	Crime and Disorder Implications		✓	

If all comments lie within the shaded areas, the proposal is sustainable.

TPSCHEDL 03/00023/TPORDR

29 September 2003

TREE PRESERVATION ORDER

TPO NO 6.100.2282.FUL

17 Birkdale Avenue Knaresborough Harrogate District North Yorkshire HG5 0LS

FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY

(encircled in black on the map)

Ref on Map	Description	Situation
T1	Oak	436123 456846

GROUPS OF TREES

(within a broken black line on the map)

Ref on Map	Description (including number of trees)	Situation
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WOODLANDS

(within a continuous black line on the map)

Ref on Map	Description	Situation
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TREES SPECIFIED BY REFERENCE TO AN AREA

(within a dotted black line on the map)

Ref on Map	Description	Situation
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TPO No 23, 2003, No17, BIRKDALE AVENUE, KNARESBOROUGH



SCALE: 1:1000
DATE: 22nd April 2003

