

EAST AREA PLANNING COMMITTEE

7 October 2020

Application number: 20/02019/TPO

Decision due by 12 October 2020

Proposal Fell 2 common hawthorn trees located within area A.1 on the Oxford City Council - Leaffield Road (No.1) Tree Preservation Order 2000.

Site address 26 Badger's Walk, Oxford, OX4 2GW – see **Appendix 1** for site plan

Ward Cowley Marsh Ward

Agent: N/A **Applicant:** Mrs Laura Fowler

Reason at Committee The applicant is the partner of a Council employee. The Monitoring Officer has reviewed this report.

1. Recommendation

1.1. East Area Planning Committee is recommended to grant TPO consent for the following reasons:

1. The removal of 2 common hawthorn trees from the rear garden of 26 Badger's Walk will not be significantly detrimental to public amenity in the area.

2. Relevant Site History

- 2.1 Oxford City Council - Leaffield Road (No.1) Tree Preservation Order 2000. Confirmed 10 March 2000.
- 2.2 03/02254/FUL - Erection of 38 dwellings (7x2 bed flats, 12x3 bed, 19x2 bed houses). New access to Leaffield Road. Garaging for 5 cars and associated car parking. Footpath link to Cowley Marsh. Refused 7th May 2004. Allowed at Appeal.

3. Representations Received

3.1. None

4. Site Description and Proposal

4.1.26 Badger's Walk is a terraced house within a residential development of 38 dwellings on a former allotment site that was allowed at appeal in 2004. The rear garden of the property contains 4 trees; including a large mature sycamore, 2

smaller mature common hawthorn trees, and an elder (the elder will have grown after the TPO was made and is therefore not protected).

- 4.2. It is proposed to remove the 2 common hawthorn trees. The reason given for the proposed works is because of the poor location (low amenity value) in the rear garden. No replacement trees are proposed as it is an unsuitable location the applicant advises.

5. Location Plan



6. Issues

6.1. The principle determining issue is the effect on public amenity due to:

1. Impact on public views;

7. Officer Assessment

7.1. The Oxford City Council - Leaffield Road (No.1) Tree Preservation Order 2000 is an area-type order that gives blanket protection to trees within the residential development of which Badger Walk is a part. It was made primarily to control site clearance prior to the grant of planning permission for the development that was allowed at appeal.

7.2. The order protects trees that are important for public amenity in the area, including a liner group of large sycamore trees that stand alongside the brook that is at the rear of 18-28 Badger Walk and adjacent to the cycle path that runs along the south eastern boundary of Cowley Marsh Recreation Ground. Collectively, these trees give the cycle path a pleasant wooded character.

7.3. However, the order also protects several smaller, lower quality and value trees, which include the 2 common hawthorn trees that it is proposed to remove from the rear garden of 26 Badger's Walk. Each tree is about 4 metres tall.

- 7.4. Common hawthorn trees are generally not very well suited to small domestic gardens because their crowns are usually dense with branches which have many large, sharp spines (thorns) that drop onto the ground. Although trees of this species flower in spring and produce berries, their ornamental value is usually relatively low in a garden setting and they are much better suited to a natural environment location, or rural setting, where they are commonly used in boundary hedgerow planting. Furthermore, these particular 2 trees are not very attractive specimens having rather poor visual form.
- 7.5. Removal of the 2 trees as proposed would not have a significant detrimental effect on public views from the cycle path at the rear of 26 Badger's Walk nor from any other direction such as from within Badgers Walk itself. They are relatively small trees, each being about 4 metres tall, and the much larger sycamore tree in the same garden, which is more prominent in the public views, will be retained and together with the many other trees this will preserve existing views.
- 7.6. Hawthorn is a native species tree which flowers and produces berries (haws), which can be a food source for garden birds and pollinating insects. However, no protected species or habitats will be affected by the removal of these particular 2 small trees, which will not be significantly detrimental to biodiversity or any other ecosystem services in the area.
- 7.7. For these reasons it is considered that the 2 common hawthorn trees have low public amenity value and their felling would not be detrimental.
- 7.8. As the impact of removing the 2 common hawthorn trees on public amenity will not be significantly detrimental it is considered that replacement planting is not necessary.

8. Conclusion

- 8.1. The removal of 2 common hawthorn trees from the rear garden of 26 Badger's Walk will not be significantly detrimental to public amenity in the area and it is recommended that consent to fell these trees that are subject to a TPO can be granted.

9. HUMAN RIGHTS ACT 1998

- 9.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to grant TPO consent. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

10. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 10.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In

reaching a recommendation to grant TPO consent, officers consider that the proposal will not undermine crime prevention or the promotion of community.