

West Malling **568249 157881** **14 March 2007** **TM/07/00874/TPOC**
West Malling And
Leybourne

Proposal: Remove hedge retaining 4 No Conifers in North-West corner,
alternatively reduce height of hedge to 2m, retaining 4 No
Conifers in North-West corner
Location: 52 Police Station Road West Malling Kent ME19 6LL
Applicant: J Noble

1. Description:

1.1 The proposal is to remove a tall conifer screen that runs along the north-eastern boundary of the residential curtilage, retaining a group of conifers in the north-west corner. The application, as submitted, offers an alternative of reducing the screen to 2m retaining the same group of conifers at the north-western end.

2. The Site:

2.1 The screen of conifers runs along the north-eastern boundary of the property very close to the rear wall of the house itself. This boundary abuts the railway line. The site lies within West Malling Conservation Area.

2.2 The land falls steeply away from the main part of Police Station Road. Members will note (below) that objections have been received from residents of properties in that part of the road, principally on the grounds that the tree screen protects them from views of the trains travelling in a westerly direction along the railway line.

3. Planning History:

TM/63/10499/OLD Grant with conditions 12 December 1963

Bungalow, garage space and vehicular access.

TM/03/01675/FL Grant With Conditions 18 March 2004

First floor extension to bungalow to form 2 storey dwelling.

TM/07/00039/TNCA TPO Made 15 February 2007

Reduce and remove overgrown Cypress Lawsonia hedge. Retain group of 5-6 trees at west corner of property and plant new evergreens on western fence

4. Consultees:

- 4.1 PC: Members are aware of the concerns of local residents, but would have no objection to reduction of the height of the hedge as long as it is carried out professionally.
- 4.2 Private reps: 20/0X/0S/3R. Objections are raised on the following grounds:
- The conifer screen was protected by conditions attached to planning permission when consent was granted for the bungalow to be increased to two storeys.
 - The Council's Conservation Area Appraisal refers to the view from the railway bridge giving an intriguing view of the roofscape and mature trees'. The trees are marked as 'important trees, acting as a focal point'.
 - Removal of the conifers will expose residents to the full impact of the railway line, in particular to trains travelling in a westerly direction, as the houses are located in an elevated situation on Police Station Road.
 - The applicant has only proposed a group of 4 trees to be retained whereas from a previous meeting a group of 6 was suggested by the applicant. These conifers need to be marked.
 - Reduction of the trees to 2m would result in death of the trees or otherwise leave them in an unsightly condition.
 - Safety of the railway line is paramount. If approved Network Rail need to do a full assessment of the embankment to ensure that safety is not compromised.
 - There is abundant birdlife in the area and the hedge provides roosting and nesting sites. If reduction or removal approved it would result in loss of nesting bird habitat at this time of year.

5. Determining Issues:

- 5.1 A TPO was made on these conifers as a result of a previous notification regarding the removal of the entire screen, made under the Conservation Area requirements. The TPO was made as it was not possible to satisfactorily resolve the notification within the six week period allowed. There are no conditions protecting the trees attached to planning permission TM/03/01675, although an informative was attached reminding that the trees were protected by virtue of being in the Conservation Area.
- 5.2 The owner has submitted a new application seeking consent under the terms of the TPO to remove or reduce the conifers. I understand that this follows a meeting with some of those neighbours who would be most affected by removal of the

screen and who, in response to the previous application, suggested keeping a group of them in the north-west corner where they offer the greatest protection. The owner has been asked to mark the conifers proposed for retention. Neighbours have reiterated their objections to the removal or reduction of the others.

- 5.3 I note that the application has been submitted with, in effect, two alternative proposals. This is clearly not an appropriate format, since it must be absolutely clear upon what proposal a decision is being made. However, I believe that the alternative of reducing the height to 2m is not, in itself, a practical option. This would leave a row of bare trunks that would be unlikely to recover any foliage growth to speak of, which would clearly not be a satisfactory outcome from any point of view. I therefore believe that removal of the trees is the only realistic option to be considered and I have suggested to the applicant that the application be amended accordingly.
- 5.4 The house at 52 Police Station Road is very heavily overshadowed by the screen, creating very dark conditions inside the house. I understand that the owners are also keen gardeners wishing to rescue a neglected garden and are unable to achieve any satisfactory results with such a dense evergreen screen.
- 5.5 There appears to be some degree of sympathy from neighbours on the overshadowing issue, but their objections still remain.
- 5.6 The main issue appears to be the screening value that the trees provide between the railway and other houses in the main part of the road to the west but, because of the elevated position of the villas in Police Station Road, the various issues that have been raised cannot easily be reconciled by compromise.
- 5.7 I believe that the owner has gone some way to try to overcome the objections but as the present situation stands is unable to achieve reasonable enjoyment of his property. This is the sort of situation where, if the screen had been on an adjoining property, the Council might have been invited to intervene under the High Hedges legislation.
- 5.8 The primary purpose of imposing a TPO is to preserve trees where they make a significant contribution to the amenity of the area. Although I do appreciate the screening function that these trees currently perform, they are non-native conifers that do not otherwise contribute significantly to the character of the Conservation Area. In this instance, I believe the adverse impact on the amenity of the house at no 52 is the overriding factor and, on balance, I recommend that consent be granted.

6. Recommendation:

6.1 Grant Consent in accordance with the following:

Informatives

1. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners. (It is considered possible that some of the conifers may stand on land owned by Network Rail).
2. Attention is drawn to the fact that the proposal may have an effect upon bird life on or within the vicinity of the site. The applicant is recommended to seek further advice from Natural England, The Countryside Management Centre, Coldharbour Farm, Wye, Ashford, Kent, TN25 5DB.

Contact: Liz Guthrie