

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

Proposal: Retain 8 Lawson Cypress in north-west corner and remove
 remaining line of Conifers.
 Replant with more suitable hedging (Eleagnus)

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 line of 8 conifers in the north-west end of the garden. Members will recall that this application was withdrawn from the agenda of the Committee meeting on 16 May, to enable re-consultation on amended plans put forward by the applicant. Since then, a measured survey of the trees has also been submitted.

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
(MK/4/63/668)
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 have no further comments on the application.

4.2 Network Rail: Raised no objection to removing the Conifers but requests that a condition is placed on the applicant to contact Network Rail before the works are started to ensure that the works are overseen, or a method statement for works approved.

4.3 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 screen is not just a hedge but a row of about 40 mature trees.
- There is a similar line of conifers on the other side of the railway line that provide a screen to residents in Meadow Bank. They are appropriately managed every year by lopping and cutting back and suggest that this should be considered as a viable option on this property.
- An alternative compromise would be to plant a replacement tree screen on the western boundary, to reinstate protection from views of the railway.
- 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 would harm local amenity.
- 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.
- Replacement planting with Eleagnus will not fulfil adequate screening.
- 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 submitted a new application seeking consent under the terms of the TPO to remove or reduce the conifers. I understand that this followed 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.
- 5.3 The application has been amended to remove most of the trees, whilst retaining 8 of the conifers rather than 4 as originally proposed. The owner has marked the conifers proposed for retention. Neighbours have reiterated their objections to the removal of the others.
- 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 An architect, on behalf of the owners, has expressed concern about the possibility of long term damage to the foundations of the house being caused by the very close proximity of the trees and their roots to the northern wall, if unrestricted growth continues.
- 5.6 There appears to be some degree of sympathy from neighbours on the overshadowing issue, but their objections still remain.
- 5.7 The main issue for the neighbours 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.
- 5.8 A suggestion has been made by neighbours that a new hedging screen could be planted on the western boundary, and once established the original screen could be removed. This is not an option that has been put forward by the applicant and, if it was allowed to establish to the same or similar height, could create similar problems. A further suggestion put forward by neighbours that the trees could be retained, but cut back hard on the side facing no. 52 to allow in more light. I do not consider this would be a satisfactory solution either in visual terms, or for the health and welfare of the trees in the longer term.

5.9 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.

5.10 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. You are advised to contact Network Rail to ensure that the works can be overseen, or a method statement for works approved by them, in order to protect the safety of the railway.
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