

DELEGATED DECISION REPORT

NMA/2023/0004
Valid 15/03/2023

FAR PHOSIDE CHAPEL
ROAD
HAYFIELD

NON-MATERIAL AMENDMENT
IN RELATION TO
HPK/2020/0208 - REMOVAL OF
A TREE

(NON MATERIAL
AMENDMENTS)

MAIN ISSUES

The main issue relates to whether the proposed amendment to the approved scheme is non-material.

DESCRIPTION OF SITE

This application relates to a very modest stone dwelling within a converted rural building situated within the Countryside and Green Belt to the South-East of Phoside Farm and to the South of the village of Hayfield. The boundary of the Peak District National Park surrounds the site to the South-West, South and East and a public right of way runs immediately to the South-West and branches off to the East of the site. The site is located within the settled valley pastures landscape character area. Vehicular access to the site from the A624 is from a narrow unmade track.

The property is constructed from stone with a stone slate roof and features a modest lean to extension as existing to form a kitchen area and is surrounded by enclosed garden area which is tiered and rises up steeply at the rear (South West). There are 2 semi-mature trees to the North of the site; these are not covered by any tree protection orders. Modern alterations to the property include the insertion of grey UPVC windows, doors and roof lights. Parking is available to the East within a designated parking area which serves the adjoining property also.

PROPOSAL

The proposed amendment consists of the removal of a large sycamore tree at the top of the garden belonging to the dwelling. This is due to the tree having "Driad's Saddle" and "Sooty Bark Disease", which are both very invasive. Thus, the removal of the tree would be in the interest of safety of the residents at the dwelling as well as public safety. There have been no other alterations proposed.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2019/0393 – Existing certificate of lawfulness to establish residential use and extension. Approved.

HPK/2020/0208 – Extension to small existing kitchen / dining area. Approved.

CONSULTATIONS

Arboriculture Officer

“Driad’s Saddle fungus can be quite effectively compartmentalised by a tree and this can limit the extent of decay within the stem/limb in question, and if it was a critically important tree it might be worth carrying out further investigation in attempt to establish what proportion of sound wood remains at the section where the fungal decay is present, and better inform a decision as to whether retention of the tree is a viable and appropriate option. However, as it’s “only” a Sycamore it would have to be a pretty special specimen to justify the expense of specialist decay detection testing, and if it is anyway as reported also infected by Sooty Bark Disease it is likely to be in poor/declining overall condition, and given it has started to throw large branches off onto the adjacent public footpath, felling/removal (or reduction to a safe height to leave just a standing stem as a habitat pole) might well be appropriate taking all these various issues into account.

In the circumstances, I think we’d be unlikely to have any objection to removal as proposed.”

OFFICER COMMENTS

There is no statutory definition of ‘non-material’. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

This application seeks to confirm whether a singular alteration to the approval for a proposed single storey extension would be considered material. The proposed amendment consists of the removal of a large sycamore tree at the top of the garden belonging to the dwelling. This is due to the tree having "Driad's Saddle" and "Sooty Bark Disease", which are both very invasive. Thus, the removal of the tree would be in the interest of safety of the residents at the dwelling as well as public safety. No further alterations have been proposed.

With regard to the nature and scale of the proposed amendment, it is considered that the amendment would not materially alter from the approved development scheme. The Arboriculture Officer of the Council has stated that they have no objections to the removal of this sycamore tree, as it has been reported to have Sooty Bark Disease, thus meaning that it is likely to be in poor/declining overall

condition. Furthermore, as the tree is starting to throw large branches off, the Council consider the removal of this tree acceptable in the interests of safety.

The proposed alteration is considered to be minor in nature and would not adversely affect the character or appearance of the dwellinghouse as approved. Thus, the character of the building and surrounding area would continue to be maintained despite the alteration to the approved development.

CONCLUSION / PLANNING BALANCE

In conclusion, it is considered that within the context of the application, the proposed changes are non-material. The removal of the tree would not be considered to detract from the character of the area and is considered important in the interest of safety. Therefore it is recommended that the application is approved.

OFFICER RECOMMENDATION: APPROVE

Case Officer: Hannah Hollins

Recommendation Date: 21/04/2023

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council