

I note the comments attributed to the previous Tree Officer relate to a separate application for an annex, which was approved subject to a condition restricting its use to purposes incidental to the host dwelling (“4 The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as '9 Maes Llwynonn, SA10 8AQ' and shall not be sold, let or sublet as a separate unit of accommodation. Reason: The additional accommodation is considered unsuitable for occupation as a separate unit, and to accord with Policy BE1 of the Neath Port Talbot Local Development Plan.”). This represents a materially different form of development to the current proposal for an independent dwelling, and therefore those comments cannot be directly relied upon in the assessment of this application.

The current proposal seeks to introduce a separate unit of accommodation with unrestricted residential use. This materially alters the relationship between the development and the retained TPO Turkey oak, as it introduces a greater likelihood of future pressure for pruning or other works to address shading, dominance and general residential amenity expectations.

It is also important to note that a previous application for a two-storey dwelling in broadly the same location was refused, in part due to concerns regarding the long-term relationship with the protected tree and the likelihood of pressure for works arising from shading. Whilst the current proposal reduces the scale of development to a single storey, the siting of the building in close proximity to the tree remains largely unchanged. As such, the fundamental issue of the relationship between built form and the retained tree has not been fully overcome, and the risk of future pressure for works remains a material consideration.

In respect of the submitted Arboricultural Impact Assessment, whilst it broadly accords with BS5837:2012 in identifying trees and constraints, it does not provide sufficient detail to demonstrate that the development can be implemented without risk of harm to the retained Category A TPO tree. In particular, no Arboricultural Method Statement or Tree Protection Plan has been submitted. BS5837 requires that where development occurs within or adjacent to the Root Protection Area, detailed methodology and protection measures are provided to demonstrate how impacts will be avoided or mitigated.

Furthermore, the Root Protection Area should not be interpreted as a definitive representation of root extent. Given the constrained nature of the site, rooting patterns are likely to be asymmetrical, and excavation works associated with the development present a realistic risk of encountering significant roots beyond the notional RPA. Any damage to roots associated with a protected tree may constitute wilful damage under TPO legislation, regardless of whether works occur within or outside the calculated RPA.

For these reasons, whilst arboricultural supervision and detailed construction methodology would be required as a minimum, it has not been demonstrated at this stage that the proposal is compatible with the long-term retention of the protected tree.

In summary, the previous comments relating to the annex application were specific to a different form of development and do not override the need to assess the current proposal on its own merits. As set out in my formal comments, the application is not currently supported on arboricultural grounds due to insufficient information to demonstrate that the proposed development can be implemented without harm to the retained TPO tree.