

**Decision Maker:** Plans Sub Committee 4

**Date:** 10<sup>th</sup> November 2011

**Decision Type:** Non-Urgent Non-Executive Non-Key

**Title:** **OBJECTIONS TO TREE PRESERVATION ORDER 2418 AT 39  
HOMWOOD CRESCENT, CHISLEHURST**

**Contact Officer:** Coral Gibson, Principal Tree Officer  
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**Chief Officer:** Bob McQuillan - Chief Planner

**Ward:** Chislehurst

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1. Reason for report

To consider objections that have been made in respect of the making of a tree preservation order.

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2. **RECOMMENDATION(S)**

The Chief Planner advises that the trees make an important contribution to the visual amenity of this part of the Chislehurst conservation area and that the order should be confirmed.

### Corporate Policy

1. Policy Status: Existing policy.
  2. BBB Priority: Quality Environment.
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### Financial

1. Cost of proposal: No cost
  2. Ongoing costs: N/A.
  3. Budget head/performance centre: Planning Division Budget
  4. Total current budget for this head: £3.3m
  5. Source of funding: Existing revenue budget
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### Staff

1. Number of staff (current and additional): 103.89ftes
  2. If from existing staff resources, number of staff hours: N/A
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### Legal

1. Legal Requirement: Statutory requirement.
  2. Call-in: Call-in is not applicable.
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Those affected by the tree preservation order.
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: N/A

### **3. COMMENTARY**

3.1. This order was made on 7<sup>th</sup> June 2011 and relates to a maple and a birch tree in the back garden of 39 Homewood Crescent. An objection has been made by the owner of the property.

3.2. She has objected to the making of the order because she has been approached by the owners of the adjoining property (Affinity Sutton) about the maple tree which overhangs the gardens of their properties and blocks light and the leaves are blocking drains. She is also concerned that the branches of the tree may fall and children play in the gardens. Additionally sticky sap covers the whole of her back garden and front garden as well as the neighbours gardens. It covers cars parked at her property and she cannot hang washing out. Children do like to play in the mess and it causes additional work for her neighbours in clearing their gardens. Removing the sticky mess from clothes and shoes is extremely difficult. In respect of the birch she states that it leans over the middle of her garden and several branches have fallen from the tree.

3.3. The protection of trees in Chislehurst was clarified. All trees in this area are protected by virtue of their location within the conservation area. This means that if any work to trees is proposed, 6 weeks notice in writing should be given to the Council. The Council can either allow the proposed works or make a Tree Preservation Order. It does not have the power to revise the works, and so the only way of controlling tree works which are not considered appropriate is by making a Tree Preservation Order. In this case the objectors tree surgeons gave notice of intention to crown reduce both trees. Crown reduction is a major operation, which can harm the health of the trees by creating large wounds which act as entry points for decay causing organisms, as well as disrupting the trees internal systems of transportation and growth control. After reduction the trees would make rapid new growth but there would be potential points of failure of limbs at the cut points. In addition crown reduction would harm the amenity value of the trees. However as an alternative crown thinning, which a technique whereby selected branches are removed from within the canopy retaining its overall height and spread but leaving a more open canopy, would allow more light into the neighbours gardens. Crown thinning of both trees has been agreed with the tree surgeon.

3.4. In respect of the concerns about the safety of the trees, whilst it is never possible to guarantee the trees' safety, provided the trees are in good health then this is normally accepted as a low risk. It has been pointed out that the formal consent of the Council is not required for the removal of dead wood from the trees. However, it is prudent to have them inspected periodically by a qualified arboriculturist.

3.5. Matters such as leaf drop and honeydew (the sticky substance which is of concern) are seasonal problems, with honeydew production being dependent on the fluctuations in aphid populations during the summer months, so in some years the effect will be more noticeable than others. It is appreciated that the honeydew is an inconvenience, but in view of it being a problem of varying severity, for a limited period each year, it is unlikely that this would be sufficient reason to prevent the confirmation of the Tree Preservation Order.

### **4. POLICY IMPLICATIONS**

This report is in accordance with Policy NE6 of the Council's adopted Unitary Development Plan

### **5. FINANCIAL IMPLICATIONS**

None

### **6. LEGAL IMPLICATIONS**

If not confirmed the order will expire on 7<sup>th</sup> December 2011.

**7. PERSONNEL IMPLICATIONS**

None

<b>Non-Applicable Sections:</b>	Financial and Personnel implications.
Background Documents: (Access via Contact Officer)	