

Decision Maker: Plans Sub Committee 2

Date: 8th December 2011

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

Title: **OBJECTIONS TO TREE PRESERVATION ORDER 2421 at 79
BELVEDERE ROAD, ANERLEY**

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

Ward: Crystal Palace

1. Reason for report

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

2. **RECOMMENDATION(S)**

The Chief Planner advises that the tree makes an important contribution to the visual amenity of this part of the Belvedere Road 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 24th June 2011 and relates to a holly tree in the front garden. Objections have been received from the owner of the property and the owner of the adjoining property.
- 3.2. The owner of the holly tree has raised a number of issues. Firstly she has stated that there no proper reasons given for the refusal of the proposed felling of the tree. The protection of trees in Belvedere Road has been calrified, 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 cannot refuse work but if there are concerns about the proposed works the Council can make a Tree Preservation Order. In this case she gave notice of intention to fell 2 holly trees in the front garden. The Council raised no objections to the works to the felling of the holly tree to the left of the entrance but was sufficiently concerned about the loss of the tree to the right of the entrance to make a tree preservation order.
- 3.3. She considers that it is insufficient to simply state that the order has been made “to preserve the amenities of the area” as this does not give any proper opportunity to assess the basis upon which the decision was made and to respond accordingly. The holly tree occupies a prominent location within the conservation area and is a highly visible specimen. It makes a positive contribution to the character of this part of the Belvedere Road conservation area and it was for this reason that the preservation order was made.
- 3.4. She is concerned that the tree is causing significant damage to the retaining wall at the front of the property and has provided a report from a structural engineer. The contents of the report have been noted but it does not describe the other vegetation in the garden and whether that has affected the walls. Also it does not fully describe the wall in respect of the materials of which it is constructed, the location and extent of damage. There is also no assessment of whether it would be possible to repair the wall or even rebuild it without felling the tree.
- 3.5. She considers that the holly is a species that should not receive statutory protection. She points out that the tree has been neglected in the past and has previously been badly pruned. It is now one sided and the shape is distorted. The owner has been advised that the Order does not mean that no work can be carried out to the tree in the future, but it requires that the Council’s consent be gained prior to felling and to carrying out most forms of tree surgery. In assessing applications to remove trees or carry out tree surgery, the Council takes into account the reasons for the application, set alongside the effect of the proposed work on the health and amenity value of the tree. Some pruning of the tree has already been agreed to assist in giving a more balanced shape to the tree. Any species of tree can be protected holly can make an attractive individual specimen which can achieve heights up to 18 metres and the species will tolerate pruning. The tree does make a contribution to the visual amenities of the conservation area. The amenity value of a tree depends on many factors, and a tree may be appropriate in one location, but out of place or unattractive in another. Trees do not lend themselves to classification into high or low landscape value categories. In this case the size, potential growth, location and intrinsic characteristics of the tree was not considered to lessen its amenity value.
- 3.6. She refers to comments made to the Council in respect of the proposed felling. She has been advised that 4 letters were received when the notification of intention was made, all commenting about the value of the trees for wildlife but also expressing concern at the impact of the loss of the trees to the character of the conservation area. However they all agreed that they would have no objections to sympathetic pruning of the trees. The Councils concerns are for the amenity value the trees offer to the conservation area rather than individual views.

- 3.7. The owner of the adjoining property supports her neighbours wish to have the tree felled. She has been advised about the procedures relating to tree work applications within a conservation area. She commented on the impact of the tree on the front boundary wall and its proximity to the path which means that anyone using the path can be scratched by the tree. She has been informed that an engineers report has been submitted. In respect of injury to users of the path to the property, the risks can be reduced by appropriate pruning of the tree. The Tree Preservation Order does not preclude appropriate tree surgery, although it does mean that the consent of the Council is required prior to most tree works being carried out. Trees sometimes require tree surgery, and this does not necessarily prevent Tree Preservation Orders being made for them. Finally she commented about the shading of the front garden and front of the house caused by the tree. Pruning of the tree would also reduce the shading of the front of the property and advised that the Council has already agreed to the reduction of the crown of the tree by 20%.

4. POLICY IMPLICATIONS

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

5. LEGAL IMPLICATIONS

- 5.1 If not confirmed the order will expire on 24th December 2011.

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