

**Decision Maker:** Plans Sub-Committee 2

**Date:** 8<sup>th</sup> December 2011

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

**Title:** **OBJECTIONS TO TREE PRESERVATION ORDER 2427 AT 32  
HOLBROOK LANE, 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 tree makes 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 10<sup>th</sup> August 2011 and relates to a cypress tree in the front garden. Objections have been received from the owners of the property and it is noted that the owner has commented on behalf of himself and his neighbour at number 30. He has commented that the tree is a rapid growing Leylandii and has caused much nuisance to himself and his neighbours. He has stated that it has grown through the telephone line and has broken them in high winds, it overshadows the gardens so that they cannot grow anything of use under or near it and it continually sheds brown spines over a wide area under it. He is concerned because such trees can grow to a height of 120 feet, they have shallow root and this carries a recognised danger of blowing over in high winds. He considers that the tree is outgrowing its value to the immediate environment and should be removed before it causes serious problems. He is willing to replace it with a more acceptable tree such as a maple or acacia.
- 3.2. The protection of trees in Chislehurst has been 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 owner wrote to the Council giving his intention of having the tree felled. The tree was inspected and is in a reasonably healthy condition and whilst the tree is a large growing species it is 9 metres from the front of the house and appropriate to its location. The tree is in a prominent position and is a clearly visible feature in Holbrook Lane. It contrasts well with mature oaks in nearby front gardens and makes a positive contribution to the visual amenities of this part of the Chislehurst Conservation Area and it is for this reason that it has been preserved.
- 3.3. With regard to the assessment of amenity for Tree Preservation Orders, no standard method is in use which determines when a tree merits a Tree Preservation Order, and when it does not. All methods of amenity assessment contain some inherent subjectivity. The amenity value of trees 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 is not considered to lessen its amenity value.
- 3.4. It is accepted that the owner and his neighbour suffer a degree of inconvenience associated with the tree and that they are concerned about its safety. The inconvenience is that of clearing fallen fronds and the fact that it limits what can be grown under the tree. It is a characteristic of evergreen trees that they continually shed dead needles or fronds. This is part of the growth of the tree and does not indicate ill health. However clearing of the fallen debris will mean additional work in keeping drives and borders clear. In respect of the use of the land under the tree, the ground will be dry and shady and will limit what can be grown but there are plants that will tolerate such conditions and it has been noted that the planting bed in the garden near to the tree is well stocked. The problems described above are limited in severity and are unlikely to be sufficient reason to prevent the confirmation of the Order. It 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 removing a tree or carrying out most forms of tree surgery. In assessing applications to remove a tree 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.
- 3.5. He has expressed further concerns that in the event of a high wind the tree could fall and cause damage. The concerns about the safety of the tree are appreciated and whilst it is never possible to guarantee the tree safety, provided the tree is in good health then this is normally accepted as a low risk. It is prudent to have trees inspected periodically by a qualified

arboriculturist. It was also pointed out that the imposition of the TPO does not transfer responsibility of the tree to the Council, and this remains with the owner of the property.

**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 10<sup>th</sup> February 2012.

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