

SECTION '2' – Applications meriting special consideration

**Application No :** 11/02137/TPO

**Ward:**  
**Biggin Hill**

**Address :** 35 Valley View Biggin Hill TN16 3QN

**OS Grid Ref:** E: 541619 N: 158272

**Applicant :** Mr And Mrs Cheadle

**Objections :YES**

**Description of Development:**

Fell 1 Oak tree in back garden  
Subject to TPO 301

**Proposal**

Fell one oak tree.

**Location**

In back garden of 35 Valley View.

**Comments from Local Residents**

None, other than a petition that accompanied the application.

**Planning Considerations**

This application was considered by members of plans sub committee No.4 at their meeting of 15th September. Consideration of the proposal was deferred to obtain a detailed report on the condition of the tree. The case is unusual in that the application concerns an oak tree in the back garden of 35 Valley View but the application has been made by the owner of No. 33. The applicant has no right of access to the property where the tree is growing and the owner of the tree is not a party to the application. After obtaining agreement of the tree owner to access his garden the Principal Tree Officer carried out a survey of the tree on 25th October and a copy of the survey form is appended to this report.

The applicant has stated that he wishes the tree to be felled because of excessive shading and low amenity value. The application includes a petition which has been signed by the owners of Nos. 31, 37 and 39 Valley View and 55 Lusted Hall Lane. The petition states:

“This petition expresses our concerns in respect of the oak tree in the rear garden of 35 Valley View. Although this tree was granted a tree preservation

order in 1986 years of neglect now leave us with a tree whose size and condition give us all a great deal of concern for our safety and quality of life. Its size and proximity to our houses the considerable overhang to our gardens and the organic mess it deposits every year month after month (acorns have not been seen for at least 5 years) and the real possibility of roots undermining our properties lead us to ask that the TPO is lifted as soon as possible with a view to the tree being removed in order that we can all return to a safe and enjoyable environment once again.”

To summarize the survey the tree is a mature specimen 16 metres in height with a wide spreading canopy. The tree overhangs both adjoining gardens as well as a small amount of overhang to the garden to the north. It is in a healthy condition with no external signs of disease or decay. There is no serious risk of branch failure or even total failure of the tree. The back garden of No. 35 is 13 metres long and 9 metres wide, and the tree is 1 metre from the rear boundary. The tree is to the north of the houses and overhangs the back garden of 33 by 4 metres, the garden of 37 by 4 metres and the garden of 55 Lusted Hall Lane by 4 metres. The tree does not cause direct shading of gardens in Valley View but will contribute to loss of ambient light. The tree is to the south of the back garden of 55 Lusted Hall Lane but this garden is 14 metres wide and 37 metres long. The tree is clearly visible between and over the houses and does make a positive contribution to the visual amenities of the area. Photographs of the tree are available on file.

The applicant has not sought the agreement of the owner for the carrying out of the work. The owner has not made any written submissions in respect of this application but has indicated verbally that he is reluctant to have the tree felled. It should be noted that if consent were to be granted for any work the agreement of the owner would be required for the carrying out of any work to the tree as he remains responsible for its maintenance.

The tree is a large specimen and the gardens are relatively small but the tree is of undoubted amenity value – it can be seen from the opposite side of the valley and the loss of the tree would be detrimental to the visual amenities of the area. The problems described are that of inconvenience and relate to the need for increased garden maintenance in clearing debris. As described above the tree is to the north of the houses in Valley View and is to east of the applicants property. The tree will shade this latter garden in the morning only. The problems experienced could be alleviated by appropriate pruning. A crown reduction of the tree over the gardens of Valley View by 20% would be appropriate as it would reduce the impact on these properties but would not seriously impair the overall health and amenity value of the tree.

## **Conclusions**

The tree is a healthy specimen of amenity value to the area. Pruning of the tree would help to alleviate the problems described rather than its complete removal and can be consented under this application.

Background papers referred to during production of this report comprise all correspondence on file ref. 11/02137, excluding exempt information.

**RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

- 1 The oak tree is considered to make an important contribution to the visual amenities of the street scene and the proposed loss of the tree would be detrimental to the visual amenities of the area.

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