

LONDON BOROUGH OF BROMLEY

COMMITTEE: Plans Sub Committee No. 4

DATE: 15 April 2010

SUBJECT: Objections to Tree Preservation Order 2340 at Tanglewood, Sunnysdale and Briarfield, Hazel Grove, Farnborough

CHIEF OFFICER: Chief Planner

CONTACT OFFICER: Coral Gibson ext 4516

WARD: Farnborough and Crofton

1 COMMENTARY

1.1 This order was made on 4 November 2009 and relates to one oak tree in the back garden of Tanglewood, Sunnysdale and one oak tree in the back garden of Briarfield, Hazel Grove.

1.2 Objections have been received from arboricultural consultants acting for the loss adjusters for the insurers of the adjoining property, 13 Nutfield Way, Orpington. They had three main concerns:

- the reasons for the making of the order are not explained;
- the contribution provided by the trees is disproportionate to the compensation potentially payable due to additional engineering repair work;
- a significant carbon output as a result of the engineering work is in direct conflict with the Council's climate change strategy.

1.3 They have stated that when the Council made and served the order the papers that they received did not include the regulation 3 document which includes the grounds for making the order. This should have been included but it was confirmed that the grounds for making the order are that the trees make a significant contribution to the visual amenities of the area. The order was made as a result of a six weeks notice of intention to fell the two trees, one being in the back garden of Tanglewood, Sunnysdale and the other in the back garden of Briarfield, Hazel Grove. The trees are part of a line of oaks across back gardens in Hazel Grove. The trees provide an attractive backdrop to the houses in Sunnysdale and Hazel Grove which are within the Farnborough Park

conservation area where together with the design and character of the houses the trees provide an important contribution to the character of the estate. There are also clear views of the trees from Nutfield Way where the trees enhance the character and appearance of the development.

1.4 They contended that the value of the trees is far outweighed by the compensation that would be payable. The documents that were submitted to the Council with the six weeks notice of intention to fell the two trees related to a claim in connection with damage to the property at 13 Nutfield Way. The damage was first noticed only a few months after the current owner purchased the property and was notified to the insurers in November 2007. The damage was at the junction of the original dwelling and a two storey extension and was categorized as very slight. The reports from the loss adjusters and engineers both commented that the trees predate the extension and the main building. As the extension was built in 2001 and the trees are about 15 metres from the building it could be argued that the foundations should have been taken down to a depth unaffected by the influence of the trees. The objectors have provided some estimates for repair works: £4,000 would be needed for repairs if the felling of both trees was carried out and £25,000 for repairs if the tree work is not done, allowing for additional costs for bringing a claim, this could result in a cost of £27,000 to the Council. However they have not indicated the nature of either the cheaper repair works or the additional work, although by implication they seem to be saying that there would be some underpinning. In any case a claim for compensation could only follow if an application to the Council was made and refused consent. Both trees are outside the ownership of 13 Nutfield Way and they do not say if the tree owners have been contacted and what response they have given.

1.5 Their final point expressed concern about the carbon footprint that would be created by underpinning the property. They refer to the Council's Carbon Footprint Progress Report. This document relates to the carbon footprint of the Council (its own offices and activities) and is not a document for the carbon usage of the Borough as a whole. Whilst their concern to minimize the amount of carbon produced by underpinning is appreciated, the value of the trees should also be taken into account – they are of value in local temperature mediation and local biodiversity. Their value continues throughout their lifetime on which it is difficult to put a value.

2. POLICY IMPLICATIONS

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

3. LEGAL CONSIDERATIONS

3.1 If not confirmed the order will expire on 4 May 2010.

4. RECOMMENDATIONS

4.1 The Chief Planner advises that the trees make an important contribution to the visual amenity of the surrounding area and notwithstanding the objections raised, the order should be confirmed.