

Report No.
TPO2457

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Plans Sub Committee 4

Date: 21st June 2012

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

Title: **OBJECTIONS TO TREE PRESERVATION ORDER 2457 AT 43
CHANCERY LANE, BECKENHAM**

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

Ward: Copers Cope

Reason for report

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

1. RECOMMENDATION(S)

The Chief Planner advises that the tree makes an important contribution to the visual amenity of this part of the Chancery Lane 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: Not Applicable
 3. Budget head/performance centre: Planning Division Budget
 4. Total current budget for this head: £3.3
 5. Source of funding: Existing Revenue Fund
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Staff

1. Number of staff (current and additional): 103.89 ftes
 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: Not Applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Those affected by the TPO
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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 23rd December 2011 and relates to 1 maple tree in the back garden of 43 Chancery Lane. Objections have been received from the owner of 41 Chancery Lane and this letter is also on behalf of the tree owner.

3.2. The objector has stated that the tree was planted in 1978 and is a large growing species which is unsuitable for a small garden. It has already reached a height of 30 feet and has not yet reached maturity. She is concerned that that the roots may affect the foundations and structure of the house. The cottages were built in 1769 and should be conserved at all costs which would not be possible if the tree remains. The objector is willing to plant a replacement.

3.3. In response the position of trees within Chancery Lane 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 maple tree was considered to make an important contribution to the visual amenities of the conservation area.

3.4. Turning to the possibility of future damage to the property, it was pointed out that the TPO does not prevent tree surgery, but it does mean that the consent of the Council is required for almost any works. If it is demonstrated in the future that property foundations are being damaged, and the only means of solving the problem is by tree surgery or even tree removal, then it would be unusual for the Council to withhold consent. However, the possibility of future damage is not normally sufficient to prevent the confirmation of Tree Preservation Orders. The objector was 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 removing a tree and prior to 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.

4. POLICY IMPLICATIONS

This report is in accordance with Policy NE6 of the Councils adopted Unitary Development Plan.

5. FINANCIAL IMPLICATIONS

None

6. LEGAL IMPLICATIONS

If not confirmed the order will expire on 23rd June 2012.

7. PERSONNEL IMPLICATIONS

None