

**Decision Maker:** Plans Sub Committee No.1

**Date:** 05/07/2012

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

**Title:** **OBJECTIONS TO TREE PRESERVATION ORDER 2461 at  
MOSS END, OAKWOOD CLOSE, CHISLEHURST**

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

**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 trees 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: Not Applicable
  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: 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 19<sup>th</sup> January 2012 and relates to 3 oak trees at Moss End and The Sheiling, Oakwood Close. Chislehurst. Objections have been received from the owners of Moss End. They have raised two main concerns.
- 3.2. Firstly they did not understand why a tree preservation order should be made bearing in mind the property is within the Chislehurst conservation area. The protection of trees in Chislehurst 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 who 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 tree surgeon gave notice for the crown reduction by 30% of the oak tree beside the neighbouring driveway and to crown reduce by 20% the oak by the right hand boundary. It was pointed out that crown reduction is a major operation, which can harm the health of the trees by creating large wounds which act as entry points for decay causing organisms, as well as disrupting the trees internal systems of transportation and growth control. In addition it would harm the amenity value of the trees. A meeting was held at the property with the tree surgeon and a revised specification of work was agreed. The two oak trees together with the third tree form an attractive group close to the entrance to Oakwood Close and it is for this reason that all three trees have been protected.
- 3.3. The second concern was the proximity of one of the oaks to the house and the owners have been advised by their surveyor that the tree should be felled. Whilst the concerns about the proximity of the tree to the building and the possibility of future damage to the property is appreciated, 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.

### **4. POLICY IMPLICATIONS**

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

### **5. FINANCIAL IMPLICATIONS**

None

### **6. LEGAL IMPLICATIONS**

If not confirmed the order will expire on 19<sup>th</sup> July 2012.

### **7. PERSONNEL IMPLICATIONS**

None.