

Decision Maker: Plans Sub Committee No.2

Date: 19/7/12

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

Title: **OBJECTIONS TO TREE PRESERVATION ORDER 2469 at 117
RAVENSBOURNE AVE, BROMLEY**

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

Ward: Bromley Town

1. Reason for report

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

2. **RECOMMENDATION(S)**

The Chief Planner advises that the tree makes an important contribution to the visual amenity of this part of Ravensbourne Avenue and Downs Hill. The trees have been protected as a group but as there are two leaning pines not worthy of protection it is recommended that this order not be confirmed but that a new order should be made specifying the trees individually.

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 29th February 2012 and relates to a group of pine trees in the back garden of 117 Ravensbourne Avenue. An objection has been made by the owner of the trees.

3.2. He considers that the order was made by stealth following a query he made about the status of the tree. It was explained that Council receives thousands of queries about the status of trees each year. Officers are not able to inspect each tree prior to letting people know the status of their trees but it is open to the Council to make Orders at any time. Whilst thousands of trees in the borough are protected by TPOs, there are many thousands more that are have amenity value, but are unprotected. It is not practical for the Council to make Orders on all trees of merit, but the power is available in the TPO legislation to make Orders when it is considered expedient to do so. It is therefore normal practice for the making of TPOs to be considered if the Council is made aware of threats to trees, and the trees at the property have not been singled out in any way. The primary criterion for making TPOs is one of public amenity, and the pine trees are a feature of the area.

3.3. The trees are protected as a group covering 6 pine trees and the objector is concerned that the order does not specify which trees are protected and he is particularly concerned that two of the pines are leaning at an acute angle. An officer has visited the property and has seen the leaning trees. It is agreed that these two trees are of concern and it is proposed that a new TPO be made specifying the individual trees but not including the leaning trees.

3.4. The objector is concerned that the trees are very tall and because they are impeding the growth of some fruit trees that he has planted he wishes to reduce the height of the pines. The height of the trees is not of itself a problem, the form and condition of the trees is however important in considering the trees. Apart from the leaning pines, the trees are in a reasonably healthy condition. Height reduction of pines 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. The trees would not regenerate from the cut points and would leave them looking unsightly. The trees are to the west of the house and will create dry shade and this is likely to restrict the types of plants that will grow. However, there remain a variety of species which tolerate dry shady conditions, which could be considered.

4. The objector has instructed an architect to prepare plans for a garage at the end of the garden where the trees are growing and the TPO could jeopardise these plans. It is noted that the land at the end of the garden drops steeply away from Downs Hill and the size of the proposed garage has not been indicated. Plans for the garage have been requested to enable more detailed comments to be given.

5. He has indicated that his neighbours have complained about the trees causing loss of sunlight to their gardens. He has not said which neighbours have commented about shading - the trees are to the north of 115 and the impact on this garden will be limited. However the trees are to the south of the garden of no.119 and the trees will create some shade during the middle of the day but it should receive sunlight in the late afternoons and evenings.

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 29th August.

7. PERSONNEL IMPLICATIONS

None