

Decision Maker: PLANS SUB-COMMITTEE NO. 1

Date: Thursday 25 October 2012

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

Title: **OBJECTIONS TO TREE PRESERVATION ORDER 2484 AT
20 ELWILL WAY, BECKENHAM.**

Contact Officer: Coral Gibson, Principal Trees Officer
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Chief Officer: Chief Planner

Ward: Shortlands

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 the Park Langley 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:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected):Those affected by the TPO
-

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 7th June 2012 and relates to an oak tree in the back garden. Objections have been made by the owner of the property. He has expressed concern about the shading of his garden, the effect of the tree on his lawn and pond. He has stated that there is a second smaller oak tree about 15 feet from the larger oak as well as two oaks on the rear boundary of the back garden. He considers that the tree that has been protected is of low amenity value as it cannot be seen. Finally he has been advised that his son has been diagnosed as being allergic to tree mix which is affecting his quality of life.

3.2. The protection of trees in Park Langley 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 tree is in a reasonably healthy condition and is visible from Elwill Way, the felling was considered to be inappropriate and the making of a tree preservation order was authorised.

3.3. The tree is to the west of the garden and the loss of direct sunlight into the garden from this tree will be restricted to the afternoon and evening, during the summer months whilst the tree is in full leaf. The points that the tree shades the lawn and pond and has a detrimental impact on both have been noted. It is appreciated that this is an inconvenience but there will be shading from other trees in the garden which contribute to the problem. However some pruning of the tree, such as increasing the height of the lower branches over the lawn and thinning the canopy to allow more light through the tree would help to alleviate the problems.

3.4. With regard to the assessment of amenity for Tree Preservation Orders, no standard method is in use which determines when a tree merits a Tree Preservation Order, and when it does not. All methods of amenity assessment contain some inherent subjectivity. The amenity value of trees depends on many factors, and a tree may be appropriate in one location, but out of place or unattractive in another. Trees do not lend themselves to classification into high or low landscape value categories. In this case the size, potential growth, location and intrinsic characteristics of the tree are not considered to lessen its amenity value.

3.5. Finally in respect of the allergy, it has been indicated that this is due to tree mix but no specific species have been identified. There is more than one oak tree at the property and as tree pollen is fine and readily wind blown all of the trees at the property and those in neighbouring gardens will be contributing to the problem.

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

7. PERSONNEL IMPLICATIONS

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Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	[Title of document and date]