

Decision Maker: PLANS SUB-COMMITTEE NO. 1

Date: Thursday 20 December 2012

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

Title: **OBJECTIONS TO TREE PRESERVATION ORDER 2492 AT 108 WINDSOR DRIVE, ORPINGTON**

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

Ward: Chelsfield and Pratts Bottom;

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 amenities of this part of Windsor Drive and that the order should be confirmed.

3. COMMENTARY

3.1 This order was made on 24th July 2012 and relates to a tree of heaven in the back garden of 108 Windsor Drive, Orpington. Objections have been made by the owner of the adjoining property, number 106 and by the owner of the tree.

3.2. The neighbour has expressed concern because the tree loses limbs in high winds, the flowers give off a pungent smell, it drops small yellow flowers which stain the grass and borders as well as clothing on the washing line and they cannot understand why the tree has been protected.

3.3. In respect of the amenity value of the tree – the Council received a request that it be protected. There is no standard method 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 a tree 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. The tree is a visible feature and it is for this reason that it has been protected.

3.4. In respect of the tree dropping branches in high winds – no indication has been given of the size of limbs or if the branches are dead. However the concerns about the safety of the tree are appreciated. Whilst it is never possible to guarantee the trees' safety, provided the tree is in good health then this is normally accepted as a low risk. The tree does appear to be in a reasonable condition but it is prudent to have tree inspected periodically by a qualified arboriculturist and this will need to be discussed with the owner of the tree. The formal consent of the Council would not be needed for the removal of dead wood, although the Council must be notified of such work 5 days in advance.

3.5. With regard to the loss of flowers, this can be an inconvenience for a short time each year. The limited nature of this problem would not normally be sufficient to preclude the confirmation of a Preservation Order. It is accepted that a degree of inconvenience is suffered which is associated with the tree. However, the problems are limited in severity, and are unlikely to be sufficient reason to prevent the confirmation of the Order.

3.6. The owner has stated that he does not have an issue with the tree but has expressed concern about its condition. He has commented that there is a crack in the main trunk, branches fall when it is in leaf and roots have damaged a hard standing. The hard standing appears to be an old parking area in the back garden related to a rear access which is no longer in use. No evidence has been submitted in respect of falling branches and the crack in the trunk.

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 24th January 2013

7. PERSONNEL IMPLICATIONS

None.

