

**Decision Maker:** PLANS SUB-COMMITTEE NO. 2

**Date:** Thursday 10 January 2013

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

**Title:** **OBJECTIONS TO TREE PRESERVATION ORDER 2497 AT 10 BARNMEAD ROAD, BECKENHAM**

**Contact Officer:** Coral Gibson, Principal Trees Officer  
Tel: 020 8313 4516    E-mail: Coral.Gibson@bromley.gov.uk

**Chief Officer:** Chief Planner

**Ward:** Penge and Cator;

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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 tree makes an important contribution to the visual amenity of this part of the Barnmead Road 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 Burget
  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): 103.8ftes
  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 6<sup>th</sup> August 2012 and relates to an ash tree in the back garden of 10 Barnmead Road, Beckenham. Objections have been made by the owner of the adjoining property.

3.2 He has expressed concern about the growth of the tree, the extent to which it overhangs his garden, the fact that it blocks out light to his garden, makes the garden very dry as little rainfall reaches the ground and there are risks of the tree causing damage to the foundations of the house.

3.3. The protection of trees in Barnmead Road 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 notice was given to the Council for the felling of the tree and this was considered inappropriate and the preservation order was made.

3.4. The objectors concerns about the shading of his garden are appreciated but the tree is to the north of the garden and will cause indirect shading. Some pruning of the tree would help to alleviate the problem although it is appreciated that the owner of no.10 has to date not had any pruning work carried out. The imposition of the TPO does not transfer responsibility of the tree to the Council, and this remains with the owner.

3.5. The objector has stated that he has seen the tree grow to its current size – the tree is mature and whilst there will be some limited growth it will not increase in size significantly. He is concerned that the tree prevents rain from falling onto the garden and the drying out of the garden will also be affected by the uptake of water from the trees roots. This drying out restricts the types of plants that will grow. However, there remain a variety of species which tolerate dry shady conditions.

3.6. Turning to the possibility of future damage to the property, it is important to point 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 I think 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.

In considering the confirmation of the Order, the severity of the inconvenience experienced by the objector needs to be weighed against the public amenity value of the tree.

### **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 6<sup>th</sup> February 2012.

### **7. PERSONNEL IMPLICATIONS**

None.

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