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

**Date:** Thursday 2 May 2013

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

**Title:** **OBJECTIONS TO TREE PRESERVATION ORDER 2529 AT 30 HOMEFIELD ROAD, BROMLEY**

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

**Ward:** Bickley;

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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 Deputy Chief Planner advises that the tree makes an important contribution to the visual amenity of the 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:
  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 14th January 2013 and relates to 1 ash tree in the back garden of 30 Homefield Road. Objections have been made by the owners of the adjoining land, Bromley cricket club. They have advised that the vegetation around the perimeter of their grounds is pruned on an annual basis to prevent overhang to the courts and grounds. They state that this year they are planning to install new cricket nets which will be beside the back garden of 30 Homefield Road. They were advised by their tree surgeon to cut back the branches of the ash tree overhanging your grounds to reduce the amount debris from the tree falling onto the existing nets area. The new nets will have an extended roof to ensure that balls do not go into the gardens. They also refer to an open water ditch between the rear gardens of properties in Homefield Road and their grounds. They state that it is their responsibility to keep the ditch clear of debris and that they were advised to cut back as many overhanging branches as possible. They had overhanging branches of the ash tree cut back to protect the health and safety of their members, to safeguard the investment in their new nets and to comply with advice to keep the open watercourse clear from debris at all times. They anticipate that the ash tree will need to be cut back occasionally and argue that the tree does not have significant amenity value.

3.2. They have been advised that their 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. However, the Council's consent must first be gained prior to almost any tree works. One exemption specified in the Tree Preservation Order is that of dead wood, and the formal consent of the Council is not required for the removal of dead wood from the tree. In respect of debris from the tree, leaves, seeds etc, these are seasonal problems and it is unlikely that this would be considered sufficient reason to prevent the confirmation of the Tree Preservation Order.

3.3. It has been pointed out that landowners do have a right in Common Law to cut back any branches which overhang their property. They can only cut back to the boundary line and should offer the branches back to the owner of the tree. However this right is removed once a preservation order has been made. If someone wants to cut back overhanging branches from a preserved tree they would need the written consent of the Council in the same way as an owner. These "rules" also apply to roots which extend beyond the boundary. Tree Preservation Orders do not preclude appropriate tree surgery, although they do mean that the consent of the Council is required prior to most tree works being carried out. Trees sometimes require tree surgery, and this does not necessarily prevent Tree Preservation Orders being made for them. They would be free to apply at any time in the future if they wish to prune the overhanging branches.

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 trees are not considered to lessen their amenity value.

### **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 14<sup>th</sup> July 2013.

## 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]