

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

**Date:** Thursday 22 August 2013

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

**Title:** **OBJECTIONS TO TREE PRESERVATION ORDER 2537 AT 4  
MANOR PLACE, CHISLEHURST**

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

**Ward:** Chislehurst;

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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 Chislehurst conservation area and that the order should be confirmed.

### **3. COMMENTARY**

3.1. This order was made on 12<sup>th</sup> March 2013 and relates to 1 lime tree in the garden. Objections have been made by the owner of the property who is concerned about the making of the order for the following reasons:

1. The size of the trees and its continuing growth.
2. Their garage has suffered subsidence, they had a beech tree removed and are concerned that this may happen again. The whole of the rear of the garage was rebuilt and they claimed on their insurance. They have been advised that there is clay under a sandy soil.
3. Manor Place is a cul de sac and when trees are in leaf they are the only people that can see the tree and they point out that there is a strip of woodland at the rear of their property within the ownership of Coopers School.
4. The tree is shown in the wrong location on the plan accompanying the order.

3.2. The response to these comments was made using the same numbering:

1. The tree is a mature specimen, about 18 metres in height and is in a reasonably healthy condition. Whilst the tree will continue to grow, the future growth will not be significant. It is a large growing species and is about 5 metres from the front of the garage and 9 metres from the main house. It is considered that the tree is appropriate to its location and it makes a positive contribution to the visual amenities of this part of the Chislehurst Conservation Area and it is for this reason that it has been preserved.

2. Damage to properties is a serious matter, and if it is demonstrated that damage is occurring as a result of the tree, and the only means of solving the problem is by tree surgery or even tree removal, then it would be unusual for the Council to withhold consent. However sufficient evidence would need to be submitted to show that the tree was the cause of the damage. If there is any evidence to demonstrate that the lime tree was involved in the movement of the garage it would be helpful to see copies of any relevant reports. Turning to the possibility of future damage to the property, it is important to point out that the TPO does not prevent tree works, 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 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.

3. 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 was not considered to lessen its amenity value.

4. It was noted that the boundary between the property and Walsingham Stables in Manor Park is different from that shown on the maps and the plan accompanying the preservation order will be amended.

### **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 12<sup>th</sup> September 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]