

Decision Maker: PLANS SUB-COMMITTEE NO. 4

Date: Thursday 14 November 2013

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

Title: OBJECTIONS TO TREE PRESERVATION ORDER 2556 AT THE PORCUPINE, 24 MOTTINGHAM ROAD, MOTTINGHAM

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

Chief Officer: Chief Planner

Ward: Mottingham and Chislehurst North;

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 trees makes an important contribution to the visual amenity of this part of Mottingham and that the order should be confirmed.

3. COMMENTARY

3.1. This order was made on 14th June 2013 and relates to an oak and a hawthorn in the back garden of The Porcupine, 24 Mottingham Road, Mottingham. Objections have been made by a planning consultant on behalf of the new owners of the property. It should be noted that the site has been cleared of all trees apart from the two that are the subject of this TPO.

3.2. They have commented that the oak (T.1) is categorised as moderate quality and value and has been poorly pruned where it overhangs the adjoining property to the north. In respect of the hawthorn(T.2), they comment that this is also categorised as moderate quality and value, it is twin stemmed from the base and has a slightly asymmetric crown. They drew attention to the central government document Tree Preservation Orders, A Guide to the Law and Good Practice which does not define amenity but does state that TPOs should only be used if the removal of a tree would have a significant impact on the area and its enjoyment by the public.

3.3. They then considered the visibility of the trees, their individual impact and also their wider impact.

visibility – they refer to the guidance which states that for a tree to be protected it should provide a reasonable degree of public benefit and should be visible from a public place, such as a road or footpath. They state that the only place that gives views of the oak is from the pavement in front of the motorcycle showroom and from the upper windows of properties on the north side of Devonshire Road. The hawthorn tree is not visible from a public place. In response it was pointed out that the guidance in paragraph 3.2 states that the benefit of trees to be protected may be present or future. As they rightly state the current view of the oak is from Mottingham Road but both trees can be seen from properties in Devonshire Road and as they are the only remaining trees at the site they are important features in the back garden of the building. With the development of the site both trees could become more visible features of the area.

In terms of individual impact they rely on the survey data which describes the trees as moderate quality and value. However it should be noted that the trees have both been graded as B1,2 - the hawthorn is mature, of average physiological condition and moderate structural condition and the oak is an early mature specimen of average physiological condition and moderate structural condition. The grading of the trees is that described in BS5837 (trees in relation to construction). Grade B trees are those of moderate quality with an estimated remaining life expectancy of at least 20 years. Trees within B1 are downgraded from grade A either because of their condition, including unsympathetic past management or because of a life expectancy of less than 40 years. Grade B2 relates to the landscape quality of the trees and in this case because of their contribution to the wider locality. The BS 5837 grading of the two trees is accepted, however the oak tree is a young mature tree and has considerable potential for the future and with continued growth will increase in visibility and therefore it will increase in amenity value. The hawthorn is an attractive tree and as stated above would become of amenity value with a redevelopment of the site.

They consider that neither tree has a strong link to its surroundings and that their retention is not essential to the wider setting of the vicinity. As has been stated above both trees will become more important to the wider setting, the oak with future growth and the hawthorn with a development of the site.

They concluded that neither tree should be included in the TPO as their removal would not have a significant impact on the local environment or their enjoyment by the public. However as previously stated the trees are visible from Mottingham Road and properties in Devonshire and do currently have some amenity value. This will increase with continued growth of the oak tree and a development of the site.

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 TPO will expire on 12th December 2013.

7. PERSONNEL IMPLICATIONS

None.

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