

Decision Maker: PLANS SUB-COMMITTEE NO. 4

Date: Thursday 14 November 2013

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

Title: **OBJECTIONS TO MAKING OF TREE PRESERVATION ORDER
2560 AT SOUTH HOUSE AND MIDDLE HOUSE, OAKLEY
ROAD, KESTON**

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

Ward: Bromley Common and Keston;

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 make an important contribution to the visual amenity of this part of Chislehurst and that the order should be confirmed.

3. COMMENTARY

3.1. This order was made on 25th June 2013 and relates to a birch tree in the front garden of South House and a plane tree in the back garden of Middle House, both properties being in Oakley Road. Objections have been made by the owners of South House and they have commented about the tree preservation order for both trees and also commented about the cypress trees in the front garden of Middle House which are covered by a separate tree preservation order and where consent was refused to cut back the overhanging branches to the boundary.

3.2. In respect of the birch tree they expressed concern that the tree overhangs their neighbours property and touches their roof, they are also concerned about debris from the tree blocking the gutters and risks of the tree damaging his property. The protection of trees in conservation areas 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 the application was to crown reduce the birch tree by 30%. Crown reduction is a major operation, which can harm the health of the tree by creating large wounds which act as entry points for decay causing organisms, as well as disrupting the trees internal systems of transportation and growth control. In addition it would harm the amenity value of the tree. Birch trees do not respond well to crown reduction but alternative work, such as lifting the lower canopy and thinning the crown could be achieved without undue harm to the health or amenity value of the tree and this work has been agreed.

3.3. In respect of the plane tree they have commented that the canopy overhangs their garden by more than two thirds and the tree requires urgent attention. They consider that the crown is shapeless and has never been attended to in the last 26 years. It is tall and top heavy and sheds sizeable branches into their garden and has become oppressive to them and their plants. They are concerned that branches could snap off and injure someone in their garden. The application that was made was to reduce by 4 metres three branches of the tree. In response they have been advised that the matter of safety is of course an important one no indication ash been given as to whether the branches that have fallen were dead or alive or their size. The plane tree is in a reasonably healthy condition and the consent of the Council would not be needed for the removal of dead wood from the tree. The proposed work would have been quite extensive and this work would have been inappropriate. Their concerns about low branches overhanging the garden are appreciated and some limited pruning has been agreed. The plane tree is a mature specimen over 20 metres in height and a correspondingly wide spread. It is an attractive feature and makes a positive contribution to the character of the conservation area.

3. POLICY IMPLICATIONS

This report is in accordance with Policy NE6 of the Council's adopted Unitary Development Plan.

4. FINANCIAL IMPLICATIONS

None.

5. LEGAL IMPLICATIONS

If not confirmed the order will will expire on 25th December 2013.

6. PERSONNEL IMPLICATIONS

None.

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