

Decision Maker: PLANS SUB COMMITTEE NO. 4

Date: Thursday 22nd October 2015

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

Title: CONFIRMATION OF TREE PRESERVATION ORDER NO. 2611.
1 BRAESIDE, BECKENHAM, BR3 1ST

Contact Officer: Mark Cannon, Principal Tree Officer
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Chief Officer: Chief Planner

Ward: Copers Cope

1. Reason for report
 2. This report considers objections that have been made to the making of a Tree Preservation Order. The Committee must take the objections into account before deciding whether to confirm the order. The Committee must decide whether to endorse the recommendation of the Chief Planner and confirm the order without modification.
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3. RECOMMENDATION(S)

The Chief Officer advises that the order be confirmed without modification.

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 and Renewal
 4. Total current budget for this head: £1.6m
 5. Source of funding: Existing Controllable Revenue Budget
-

Staff

1. Number of staff (current and additional): Statutory
 2. If from existing staff resources, number of staff hours: N/A
-

Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Not Applicable:
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Those affected by the order
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: None

3. COMMENTARY

3.1 The Site

3.2 The oak tree is located in the rear garden of No1 Braeside, Beckenham, approximately 30m from the rear of the main house, close to the properties southern boundary with Porchester Mead and adjacent to the south eastern rear garden boundary adjoining No.61 Southend Road.

3.3 The surrounding area is predominately residential; comprising mainly 2 storey terrace and semi-detached dwellings, landscaped front and rear gardens and early mature ornamental tree planting within the public highway.

3.4 The Order

3.5 Tree Preservation Order No.2611 protects an individual oak tree located in the rear garden of 1 Braeside, Beckenham, which is considered to have high public amenity value.

3.6 The order was served on all interested parties on 5th May 2015 and came into immediate effect. The order was issued following a request by the owner of 1 Braeside to prevent the possible future removal or damage of the oak tree.

3.7 The provisional order is effective for 6 Months. If the order is not confirmed within that period, the provisional protection will cease on 1st November 2015. The report is seeking authority to confirm the Tree Preservation Order so that it takes permanent effect.

3.8. Issues

3.9 The Council has received objections to the order from the owners of 61 Southend Road on the following grounds:

- a) The size of the tree is having a negative impact upon amenity.
- b) The tree is almost 100ft tall approximately 2 to 3 times the height of the owner's house, and is extremely top heavy, extending across several rear gardens. The tree reduces light, environment and safety, and impacts on how the garden can be used.
- c) The tree is at the bottom of the garden and does not provide visual public amenity.
- d) The oak tree has not been managed and there are dead branches hanging in the canopy and often fall into the property. If the tree were to uproot it would completely destroy the house.

3.10 The Councils Duty in Respect to Trees.

3.11 The Town and Country Planning Act (1990) section 198(1) states that:

‘If it appears to a Local Planning Authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order’.

3.12 Considerations

3.13 The principal considerations in relation to the confirmation of the order including the objector’s comments are:-

3.14

(a) In relation to the oak tree situated in the rear garden of 1 Braeside, Beckenham:-

(i) Is the oak tree of sufficient public amenity value and in a satisfactory condition to be made the subject of a permanent Tree Preservation Order.

3.15 The oak tree is located approximately 30m from the rear elevation of 1 Braeside and approximately 30m from the rear elevation of 61 Southend Road. The tree is mature exceeding 20m in height and is considered by officers to be in satisfactory condition, exhibiting no serious external signs of disease or defect.

3.16 The tree is visible from several public view points when walking along Braeside and it is considered that the loss or removal of the tree would have a detrimental effect on the character and appearance of the area.

3.17 There has been no supporting evidence submitted with the letter of objection demonstrating that the oak tree could be dangerous.

3.18 Dead wood or dangerous hanging branches may be removed without needing to seek the consent of the Council once the TPO has been confirmed. The confirmed order allows for the future submission of a tree works application for appropriate tree works to ensure and maintain the condition and safety of the tree.

3.19 The order does not compel or legally require the owner to undertake regular inspections or management of the tree. The land owners responsibilities and duties in respect to its safe maintenance are unaffected, whether or not the Tree Preservation is made permanent.

3.20 Although loss of light is a consideration when determining whether a tree should be protected, due to the proximity of the oak tree from the objector’s house, and its relative orientation to the property, these reasons alone are not considered sufficient not to allow the confirmation of the order.

3.21 Tree removal and its effects upon the local landscape is a material consideration for the Council, and in certain circumstances it will use its full powers in the interests of Public Amenity to protect trees which are considered to be at risk.

3.22 Conclusion and Recommendation

- 3.23 The oak tree is considered to be in a satisfactory condition and of public amenity value. The tree is visible to the general public and its removal would have a detrimental impact upon visual public amenity.
- 3.24 The objections to the order are not accepted for the reasons given in paragraphs 3.15 to 3.21 above. It is therefore recommended that the provisional Tree Preservation Order is confirmed.

4. POLICY IMPLICATIONS

This report is in accordance with Policy NE7 of the Councils Unitary Development Plan.

5. FINANCIAL IMPLICATIONS

None

6. LEGAL IMPLICATIONS

None

7. PERSONNEL IMPLICATIONS

None

Non-Applicable Sections:	Financial (2), Legal (2) Staff (2)
Background Documents: (Access via Contact Officer)	Copy of Tree Preservation Order No. 2611



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