

<b>Committee Date</b>	15/10/2020	
<b>Address</b>	15 Den Close, Beckenham, BR3 6RP	
<b>TPO No.</b>	2695	<b>Officer</b> Paul Smith
<b>Ward</b>	Shortlands	
<b>Proposal</b>	Confirmation of Tree Preservation Order (TPO) 2695	
<b>Reason for referral to committee</b>	Objections received	<b>Councillor call in</b> No
<b>RECOMMENDATION</b>	Confirmation without modification	

#### KEY DESIGNATIONS

Tree Preservation Order (TPO) 2695

<b>Representation summary</b>	Objection from property owner and neighbour.	
Total number of responses	3	
Number in support	0	
Number of objections	2	

## 1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- To consider 2 objections received against the making of Tree Preservation Order (TPO) 2695.
- The Oak tree makes an important contribution to the amenity of the surrounding local area being a tree of considerable age and size, is strikingly prominent in the street scene and is considered a very high value individual.
- Members must determine whether to confirm the TPO or allow it to lapse.

## 2 LOCATION

- 2.1 The site is located within Den Close, which is adjacent to the Shortlands Conservation Area.
- 2.2 Tree Preservation Order (TPO) 2695 was made on 1<sup>st</sup> July 2020 to secure protection of the Oak tree within front garden of 15 Den Close.

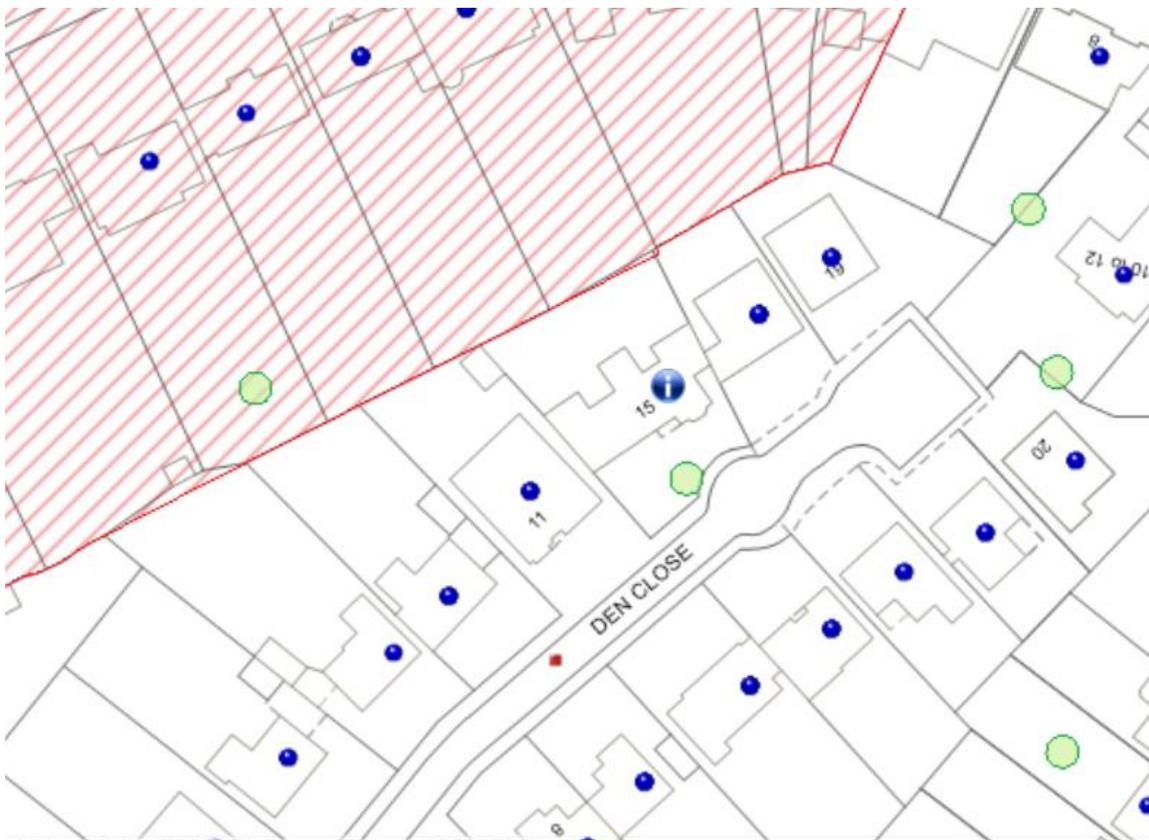


Figure 1 – 15 Den Close



**Figure 2 - View from next door.**



**Figure 3 – View from beginning of Den Close**

### **3 RELEVANT PLANNING HISTORY**

No relevant history.

### **4 CONSULTATION SUMMARY**

4.1 The land owner/occupier was served the TPO by recorded delivery. Immediate neighbours were notified in writing of the TPO service.

4.2 Two objections were received and are summarised as follows:

- a) The tree is large, close to the house, causing a nuisance and 'out of place in a small garden', 'without any great amenity'.
- b) There is a high risk of property damage or worse given recent severe weather.
- c) The tree is too large for the owner to manage, would require professional work every 2 years which would be a financial burden.
- d) The tree leaves block out sunlight into the house (no. 15.) The owner suffers from SAD.
- e) There is a high risk of subsidence due to proximity.
- f) A recent survey stated that the tree was showing some signs of dying and expressed concern that a tree of this size was so close to the house.

### **5 POLICIES AND GUIDANCE**

#### **5.1 National Policy Framework 2019**

15. Conserving and enhancing the natural environment

#### **5.2 The London Plan**

7.21 Trees and Woodlands

#### **5.3 Draft London Plan**

G1 Green Infrastructure and Natural Environment  
G7 Trees and Woodlands

#### **5.4 Bromley Local Plan 2019**

42 Conservation Areas

73 Development and Trees

74 Conservation and Management of Trees and Woodlands

## **5.5 The London Borough of Bromley Tree Management Strategy 2016-2020**

Section 18

## **5.6 National Planning Guidance - Tree Preservation Orders and trees in conservation areas (Ministry of Housing, Communities and Local Government)**

Paragraph 020 - 057

## **6 COMMENTARY**

6.1 The TPO was made on 1<sup>st</sup> July 2020 in accordance with The Town and Country Planning Act 1990 sections 198 – 202G.

6.2 Further to a visual assessment adopting the TEMPO (Tree Evaluation Method for Preservation Orders) scoring system, a new TPO was considered justified as the tree merited preservation. In summary, the tree has a suitable retention span and is prominent in the street scene.

6.3 The Order does not prevent future works from being carried out, but it requires that the Council's consent be gained prior to removing the tree and prior to carrying out most forms of tree pruning. In assessing applications to remove trees or carry out pruning, the Council takes into account the reasons for the application, set alongside the effect of the proposed work on the health and amenity value of the trees.

6.4 The TPO is valid for 6 months from the date the order was made. If the TPO is not confirmed within this period, the TPO will cease to exist. Considering the perceived risk to the tree as a result of the owner's stated intention to fell it, continued preservation is required.

## **7 RESPONSE TO OBJECTION**

- a) The tree predates not only the construction of no. 15 but of Den Close itself. It is apparently the last vestige of what was once a woodland covering this area. When the decision was made to position the house at this distance from the tree, it would already have reached its current dimensions. Trees of this size in such proximity are often cause for concern for the owner, to which there are common solutions and remedial measures. The tree contributes to the street scene of the whole close, meaning its domination of a small front garden is considered a secondary matter and not justification for felling. We consider the tree provides significant amenity to the area and will continue to do so for decades if not longer.

- b) No evidence has been submitted to indicate there is a high risk of branch failure or whole tree failure. Both are likely to be low given the absence of obvious structural defects and the much reduced crown spread and height (for a tree with this trunk diameter) which have increased the tree's 'safety factor'.
- c) The tree is unlikely to require works every 2 years due to the relatively slow growing nature of Oak.
- d) Shading during spring and summer is considered an acceptable cost when considered against the benefits of deciduous trees. Excessive shading can be alleviated through approved pruning works.
- e) No evidence has been submitted to support this assertion.
- f) No evidence has been submitted to support this assertion. The Officer's opinion was that the tree's physiological health is good.

## **8 CONCLUSION**

- 8.1 The TPO will cease to be valid upon expiry of 6 months from the date of service.
- 8.2 A level of management may be considered reasonable, should a justified application be submitted. Damaging works will be opposed.
- 8.3 Members are advised to confirm the TPO as recommended.

**RECOMMENDATION:** Confirm TPO without modification.