

Decision Maker: PLANS SUB-COMMITTEE NO.3

Date: Thursday 2nd September 2021

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

Title: CONFIRMATION OF TREE PRESERVATION ORDER (TPO) 2710 - 2 & 6
LYNWOOD GROVE, ORPINGTON, BR6 0BG

Contact Officer: Chris Ryder, Principal Tree Officer
E-mail: christopher.ryder@bromley.gov.uk

Chief Officer: Tim Horsman, Assistant Director of Planning

Ward: Orpington

1. Reason for report

To consider an objection received against the making of the above referenced Tree Preservation Order (TPO).

2. **RECOMMENDATION(S)**

The trees make an important contribution to the visual amenity of the surrounding local area and are awarded high amenity value. The TPO should therefore be confirmed to secure tree protection.

Members must decide whether to confirm the order, make any necessary amendment or allow the order to lapse.

Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
-

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Quality Environment
-

Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Planning – Tree Team
 4. Total current budget for this head: £135040.
 5. Source of funding: Existing Budget
-

Personnel

1. Number of staff (current and additional): 3
 2. If from existing staff resources, number of staff hours: 111pw
-

Legal

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

Customer Impact

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

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

3. COMMENTARY

3.1 TPO 2710 was made on 5th March 2021 and relates to an area containing oak and yew trees situated in the rear garden of 2 Lynwood Grove.

3.2 An objection has been received by a neighbour on the following grounds:

- “Both the trees (Oak and Yew) are mostly hidden from the public view and are in private land with no development planning.
- Our understandings based on the Governments own advice is that, only the most exceptional of circumstances should a TPO be placed on a tree that is not visible from a PUBLIC space. This means, in general, trees in rear gardens or on within gated communities, that are not visible should not be protected.
- The oak tree borders between 2 Bancroft Garden and 2 Lynwood Grove properties with majority of the branches hanging to the properties in Bancroft gardens.
- The Yew and Oak tree’s dead branches keep falling on our roof and conservatory causing unnecessary damage to the gutter and conservatory and some incurring expense for us annually.
- Some branches of the Oak and Yew tree are hanging above our garden.
- There had not been any maintenance of the trees for last 15 years and only about 8 months back at our repeated request and reminder some basic maintenance was done.
- Ours is a much smaller garden and it creates a risk to our property, safety and basic enjoyment of our garden if the trees are not maintained annually.
- The owner of the tree is trying to use the provisions of the Town and Country Planning Act to negate their responsibilities in respect of the trees and to (misguidedly) negate your common law rights.”

3.3 The Tree Preservation Order (TPO) was considered following the receipt of a request from the land owner.

3.5 Further to a visual assessment adopting the TEMPO (Tree Evaluation Method for Preservation Orders) scoring system, a new TPO was considered justified as the trees merit preservation. In summary, the trees were found to be of normal vitality with a suitable retention span and made a cohesive contribution to the locality. The trees are mature features of the local landscape.

3.6 The Order does not prevent future works from being carried out, but it requires that the Council’s consent be gained prior to removing trees 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.

3.8 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. Members are respectfully requested to confirm the order with or without modification.

4. CONCLUSION

Officer observations reveal trees to be a value feature of the locality. The cohesive value is the most notable part of the assessment, however the maturity of trees is also a key factor.

A TPO has been merited in this case by the cohesive grouping of the trees and the general maturity of the trees identified.

Overhanging growth is not sufficient grounds to prevent the TPO being confirmed. Applications may be considered on clearance grounds, subject to sufficient justification. Officer observations reveal crown lifting has already been carried out and no clearance issues were present.

Surrounding properties would have been purchased on the basis that mature trees are located in the vicinity of the neighbouring boundaries. This is therefore not a reason to prevent confirmation.

Land owners are responsible for trees found growing within their land ownership. A duty of care exists on this basis in respect of ensuring trees are not unsafe and present a risk to neighbours. Exemptions are available to address safety matters and deadwood.

Members are requested to modify the TPO to apply to just 2 Lynwood Grove, as no trees of significant are located elsewhere.

5. PHOTO

