

Committee Date	3 rd February 2022	
Address	19 and 30 Broadoaks Way, Bromley, BR2 0UA	
TPO No.	2758	Officer Chris Ryder
Ward	Shortlands	
Proposal	Confirmation of Tree Preservation Order (TPO) 2758	
Reason for referral to committee	Objections received	Councillor call in No
RECOMMENDATION	Allow TPO to lapse	

KEY DESIGNATIONS

Tree Preservation Order (TPO) 2758
The Broadoaks Estate Conservation Area

Representation summary	Objection received from the tree owner of No.19 Broadoaks Way	
Total number of responses	1	
Number in support	0	
Number of objections	1	

1 SUMMARY OF REPORT

- The trees make an insignificant contribution to the conservation area.
- Objections have been received against the making of the Tree Preservation Order (TPO), on behalf of the land owner at 19 Broadoaks Way.
- Members must determine whether to confirm the TPO or allow it to lapse.

2 LOCATION

- 2.1 The bay tree (T1) is located in the rear garden of No. 19 and the willow (T2) is located in the rear garden of No. 30. The dwellings are both situated in the conservation area, applying broad tree protection.



Figure 1 – Bay tree (T1)

3 RELEVANT PLANNING HISTORY

- 3.1 Bay tree in rear garden - Crown reduce by 5m.
Ref. No: 19/00549/TREE | Status: Decision No objection
- 3.2 Proposed first floor side extension and conversion of existing garage to habitable accommodation.
Ref. No: 21/02164/FULL6 | Status: Application Refused

3.3 Single storey rear extension for conservatory
Ref. No: 02/04021/FULL1 | Status: Application Permitted

3.4 The TPO was made following the earlier call in of conservation area notice 21/04285/TREE to Plans Sub Committee 1 held on 25th November 2021.

4 CONSULTATION SUMMARY

4.1 The land owners/occupiers were served the TPO by hand delivery. Immediate neighbours were notified in writing of the TPO service.

4.2 1 objection was received and can be summarised as follows:

"I write to object to the Tree Preservation order (details above) being placed on the Bay Tree in our garden for the following reasons:

The tree roots are not in the ground of the garden but in a raised bed **6 yards** from the back of our house. We feel the proximity of the tree to our house and our daughters' bedroom poses a danger to life and to the structure of the house in the event of strong winds or bad weather. The roots are supported by wooden posts which are rotting and need to be replaced. We are considering the different replacement options but have very serious concerns that during the process of replacing these, the tree which is of a very substantial size will not be supported and poses a very real danger of causing damage to our house and therefore to the safety of our children. Our Childs bedroom is directly in the path of the tree.

Due to the proximity of the tree to our house, a substantial amount of light to our children's rear bedroom, the dining room and the conservatory is blocked. This is having an impact on our monthly energy bills and our increased efforts to live in an eco-friendly way, due to the need to have the lights on in those rooms when we would otherwise be reliant on natural light.

Due to the proximity of the tree to our house we are unable to open our children's bedroom window during the summer as there is an increased insect activity around the tree. When the window is open, she is constantly bombarded with flying insects in the bedroom and feels uncomfortable sleeping with the window open. This is highly undesirable during summer when fresh airflow is vital for the house and our child's wellbeing.

Due to the species of the tree, we are having to employ a tree surgeon every other year to maintain the tree for us and our neighbours to quality of light. We were unaware of such cost when moving into the property and is not sustainable in the long term. We feel this is a cost which we, as a family would benefit from not having to pay.

Due to the size of the tree and its position we are unable to grow anything near the tree as it has a detrimental impact on all other plant life in the immediate area. This is providing an unattractive view into our garden and not in keeping with the rest of the well-maintained garden.

Since moving into the property, we have endeavoured to improve our garden, which we feel both sets of neighbours have benefited from. This includes the pruning of

previously neglected trees which had failed to have been maintained and had become overgrown. We feel we are respectful of our environment and the nature of the conservation area. We still have nine trees in our back garden, which we intend to keep and maintain in accordance with the beauty of the area.

We would also be willing to plant a new tree, which is slower growing and easier to maintain, further away from the house in replacement of the bay tree.”

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 26th November 2021 in accordance with The Town and Country Planning Act 1990 sections 198 – 202G.

6.2 Further to a visual assessment, the trees lack public visibility, retention span, special factors to justify preservation.

6.3 The Order would not prevent future works from being carried out, but it requires that the Council's consent be gained prior to tree removal 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 tree. In this instance, the TPO is considered an unnecessary constraint to both properties.

6.4 Members are recommended to allow the TPO to lapse in this instance.

6.5 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.

7 RESPONSE TO OBJECTIONS

7.1 The points made have been considered in forming this recommendation.

8 CONCLUSION

8.1 The TPO will cease to be valid upon expiry of 6 months from the date of service.

8.2 Should members wish to confirm the TPO, a level of management may be considered reasonable, should a justified application be submitted.

8.3 Members are advised to allow the TPO to lapse as recommended, for the reasons set out.

RECOMMENDATION: Allow TPO to lapse