

<b>Committee Date</b>	3 <sup>rd</sup> March 2022		
<b>Address</b>	2 & 6 LYNWOOD GROVE, ORPINGTON, BR6 0BG		
<b>TPO No.</b>	2737	<b>Officer</b>	Chris Ryder
<b>Ward</b>	Petts Wood & Knoll		
<b>Proposal</b>	Confirmation of Tree Preservation Order (TPO) 2737		
<b>Reason for referral to committee</b>	Objections received		<b>Councillor call in</b>
<b>RECOMMENDATION</b>		Confirm TPO without modifications	

<b>KEY DESIGNATIONS</b>
Tree Preservation Order (TPO) 2737

<b>Representation summary</b>	Objection received from tree owner at No. 6	
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 locality.
- Objections have been received against the making of the Tree Preservation Order (TPO), on behalf of the land owner at 6 Lynwood Grove.
- Members must determine whether to confirm the TPO with or without modifications or allow it to lapse.

## 2 LOCATION

- 2.1 The TPO covers an area of trees located to the rear of 2 Lynwood Grove and an individual oak to the rear of 6 Lynwood Grove. The properties are located on the east side of the road.



Figure 1 – (A1)

## 3 RELEVANT PLANNING HISTORY

- 3.1 TPO 2710 had expired following the cancellation of the allocated Committee on 2<sup>nd</sup> September 2021. Objections were received from the neighbour at 3 Bancroft Gardens. The commentary from the previous report is set out below:

- “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.”

#### **4 CONSULTATION SUMMARY**

- 4.1 The land owners/occupiers were served the TPO by recorded delivery. Immediate neighbours were notified in writing of the TPO service.
- 4.2 1 objection was received and can be summarised as follows:
- The oak tree within 6 Lynwood Grove is under good management and the TPO is considered unnecessary.

#### **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 4<sup>th</sup> October 2021 in accordance with The Town and Country Planning Act 1990 sections 198 – 202G.

6.2 Further to a visual assessment, the trees are significant features with some public visibility and without evidence to the contrary, hold sufficient retention span.

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.

6.4 Members are recommended to confirm the TPO without modification.

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 Whilst the ongoing good management is not contested, the tree is a feature that merits the TPO extending to protect it. The Council support good management and this would not be sufficient reasoning to modify the current TPO schedule.

7.2 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.

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

- 7.4 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.
- 7.5 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.
- 7.6 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.

## **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 confirm the TPO for the reasons set out.

**RECOMMENDATION:** Confirm TPO