

<b>Committee Date</b>	19 <sup>th</sup> May 2022	
<b>Address</b>	54 Baston Road, Bromley, BR2 7BE	
<b>TPO No.</b>	2766	<b>Officer</b> Chris Ryder
<b>Ward</b>	Hayes & Coney Hall	
<b>Proposal</b>	Confirmation of Tree Preservation Order (TPO) 2766	
<b>Reason for referral to committee</b>	Objections received	<b>Councillor call in</b>
<b>RECOMMENDATION</b>	Confirm TPO	

#### KEY DESIGNATIONS

Tree Preservation Order (TPO) 2766  
Bromley, Hayes & Keston Common Conservation Area

<b>Representation summary</b>	Objection received from tree owner and independent Building Surveyor	
Total number of responses	3	
Number in support	0	
Number of objections	3	

## 1 SUMMARY OF REPORT

- The yew tree makes a significant contribution to the locality and local street scene.
- Objections have been received against the making of the Tree Preservation Order (TPO), on behalf of the land owner at 54 Baston Road.
- Members must determine whether to confirm the TPO with or allow it to lapse.

## 2 LOCATION

- 2.1 The TPO has been applied to a mature yew tree situated in the rear garden, adjacent to the right hand boundary. The property is located on the west side of Baston Road, near the junction with Redgate Drive. The property is situated within the local conservation area, applying broad tree protection.



**Figure 1 – Yew (T1)**

### 3 RELEVANT PLANNING HISTORY

- Reduce height and spread of 1 ash tree (TREES IN CONSERVATION AREA)

Ref. No: 02/03525/TREE | Status: Decision No objection

- Intention to fell 1 lime tree in back garden TREES IN CONSERVATION AREA

Ref. No: 04/01667/TREE | Status: Decision No objection

- To crown reduce by 30% and remove 1 limb back to main trunk of 1 ash adjacent to the garage. To repollard back to previous points 1 horse chestnut and remove branches growing near to property of 1 yew both on the rear boundary. Repollard back to previous points 4 limes, fell 1 lime and remove branches extending beyond the crown and near to overhead cables to reshape the crown of 1 yew, all adjacent to Baston Road TREES IN A CONSERVATION AREA

Ref. No: 11/00225/TREE | Status: Decision No objection

- Fell 1 yew on the left hand side of the rear garden adjacent to the side gate and property.

Ref. No: 12/03628/TREE | Status: Decision No objection

- Crown reduce by 30% 1 yew in the bottom right hand corner of the rear garden adjacent to Baston Road

Ref. No: 13/00078/TREE | Status: Decision No objection

- Yew tree in rear garden, adjacent to the boundary of No. 52A - Fell.

Ref. No: 21/05452/TREE | Status: Pending Consideration

### 4 CONSULTATION SUMMARY

4.1 The land owner was served the TPO by recorded delivery.

4.2 3 objections were received and can be summarised as follows:

- “We received notification that a TPO has been proposed for the Yew Tree at 54 Baston Road. This tree overhangs our own property (52a Baston Road). Therefore given previous issues with falling branches in the local area as well as the proximity of this large tree to our home, particularly our sons bedroom, we need to lodge our objection to this TPO.”

- “We are the owners of 54 Baston Road, BR2 7BE, and are appealing against the order to place a TPO on the Yew tree at the bottom of our garden adjacent to the new house 52a, and the main Baston Road. We would like to remove this tree.

Please find enclosed an independent surveyor’s report on this subject.

Our own additional views are as follows:

- 1- Currently there are branches which overhang 52a Baston Road where the occupier has asked for lopping
- 2- Branches protrude out into Baston Road and are constantly hit by buses and high vehicles. Recently, following a storm, a branch broke off and nearly hit a cyclist who advised me by knocking on my door
- 3- The roots must be considerable and will be undermining the strength of the perimeter wall/highway with Baston Road, a very busy thoroughfare
- 4- The stability of the wall has been undermined by the tree, and this will only get worse, endangering motorists and the occupants of the houses adjacent and opposite
- 5- The perimeter wall nearest the main house (54) has had to be repaired at considerable cost to us recently, as can be seen by the new brickwork (an order made by Bromley Highways), and we do not have the funds to repeat the exercise to the part of the wall nearest the Yew Tree in question. Prevention is better than cure
- 6- Bromley Town Planning granted permission to fell a Yew tree nearer the house as follows:  
**54 Baston Road Hayes Bromley BR2 7BE**  
**Ref. No: 12/03628/TREE | Received: Mon 12 Nov 2012 | Validated: Mon 12 Nov 2012 | Status: Decided**
- 7- The local amenity will not be adversely impacted by the removal of this rather unattractive Yew Tree, as the garden is full and outlined with an array of mature trees and greenery, with at least 10 other species, thus keeping the country feel
- 8- We have consulted with our neighbours, who are in total agreement with the above
- 9- We are considering building a house for our children at the rear of our garden near the Yew tree.

We therefore ask you to consider the professional and personal views provided and retract the notice to apply the Tree Preservation Order.”

- A structural engineer’s report has been submitted to support the objection made by the land owner. The report concludes the wall is in a dangerous condition, compromising public highway safety. Repairs necessary would require the felling of the tree to enable sufficient footings.

## **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 7<sup>th</sup> January 2022 in accordance with The Town and Country Planning Act 1990 sections 198 – 202G.

6.2 Further to a visual assessment, the tree is a significant feature and is prominent on both approaches along Baston Road. The tree is mature and has a long 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 considers 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.

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 Clearance pruning for both the public highway traffic and the neighbouring property may be addressed by sensitive pruning. This could be addressed via the application process.

7.2 Hazardous branches may either be addressed under exemption or as part of a general application for tree works.

7.3 The wall repairs are clearly required to prevent continued displacement and future risk of the public highway. Repairs have taken place along the boundary wall, as is visible in the brickwork. The footings of the wall would need to be substantial to cater for a replacement wall of circa 2m height. The boundary material is therefore challenged. The wall has been constructed within the yew tree's lifespan and would therefore have been a consideration for subsidence or displacement. The replacement of the boundary wall with a less invasive fenestration is considered an alternative solution.

7.4 The assessment of a yew tree in 2012 under planning reference 12/03628/TREE does not alter the assessment of the subject yew tree. The merits in making a TPO have considered the following criteria:

- Public visibility
- Retention span/lifespan
- Potential future nuisances
- Special character considerations
- Threat level

7.5 As a mature yew tree, highly visible in the public street scene and a historic feature of the conservation area, high amenity value is awarded. The Council have a duty and policy to preserve such assets.

7.6 The merits of constructing a new dwelling at the end of the garden may be considered as part of a planning application. Tree constraints may be addressed as part of the process.

## **8 CONCLUSION**

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

8.2 Members are advised to confirm the TPO based on the above points.

**RECOMMENDATION:** Confirm TPO