

<b>Committee Date</b>	09.11.23	
<b>Address</b>	54 Baston Road Hayes Bromley BR2 7BE	
<b>Application Number</b>	23/02995/TPO	<b>Officer</b> - Christopher Ryder
<b>Ward</b>	Hayes And Coney Hall	
<b>Proposal</b>	Yew tree - Fell. SUBJECT TO TPO 2766 (7.1.2022)	
<b>Applicant</b>	<b>Agent</b>	
Mr David Watkins	Mr Joseph Palin	
Office Ground Floor 234 Green Lane Eltham SE9 3TL		
<b>Reason for referral to committee</b>	<b>Councillor call in</b>	
Returning Item	No	

<b>RECOMMENDATION</b>	Refusal
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<p>KEY DESIGNATIONS</p> <p>Conservation Area: Bromley Hayes And Keston Commons Smoke Control SCA 51</p> <p>TPO 2766</p>
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<b>Representation summary</b>	
Total number of responses	0
Number in support	0
Number of objections	0

## 1 SUMMARY OF REPORT

- Members must determine whether to consent or refuse the proposed felling of the subject yew tree.

## 2 LOCATION

- 2.1 The Tree Preservation Order (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

- TPO 2766 was made 07.01.22 and confirmed on 19.05.22.

#### **4 CONSULTATION SUMMARY**

One supporting representation was received:

- 4.1 “ As the owner of the adjacent property, I am in support of the application to fell the Yew tree in the rear garden of 54 Baston Road. The Yew tree is overhanging our land and we are extremely concerned about the yew berries (which are highly toxic and lethal) falling into our garden making it unusable for our young family. The ongoing maintenance, expense and future damage is a massive concern if the tree remains. We are also concerned how the tree engulfs the telephone pole and lines causing interference on calls. The tree also overhangs into Baston Road becoming a danger to high sided vehicles. I am also worried that if the tree is left as is there will be a high risk of the wall collapsing into the road and causing a severe accident.”

## **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 CONSIDERATIONS**

6.1 This application has been made in respect of the subject mature yew tree, located on the eastern boundary of the property. The tree was observed to be of normal vitality and free of defects.

6.2 The proposed felling is to enable essential wall repairs. The condition of the wall has been raised as a safety concern by the applicant. A support statement from an engineer has been appended to the application.

## **7 CONCLUSION**

7.1 A technical solution has not been explored and is not ruled out as being unfeasible.

7.2 Alternative boundary materials/design have not been reviewed. Where boundaries are no longer suited to the surrounding, established landscape, boundary alterations are considered the first consideration. The removal of protected trees should be a last resort and be satisfactorily mitigated.

- 7.3 In the absence of a cost appraisal, the Council remain uninformed of the cost implications of wall repairs, incorporating a technical solution. There is no supporting information that would indicate a change in boundary material would be more expensive than wall repairs. The current proposal would incur costs of wall repair and the tree removal.
- 7.4 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.
- 7.5 Hazardous branches may either be addressed under exemption or as part of a general application for tree works.
- 7.6 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.
- 7.7 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.
- 7.8 Members are recommended to refuse the application to defend the implicated trees at this stage. Further detail would be required to address the concerns raised in this report. Members should consider the value of the trees against the costs of repairs in this case. Should consent be granted, it will be necessary to apply planning conditions in mitigation to require replacement planting.

## **RECOMMENDATION: REFUSAL**

Yew tree - Fell.

SUBJECT TO TPO 2766 (7.1.2022)

### **Reason:**

**The application has failed to acknowledge the construction design, technical repairs and alternative solutions. The tree felling would be harmful to the character of the area. The proposals would negate the objectives of the TPO and therefore conflict with Policies 73, 74 of The Bromley Local Plan (adopted January 2019), Policy G7 of The London Plan (adopted March 2021).**

## **INFORMATIVES**

1. You are advised that formal consent is not required for the removal of deadwood, dangerous branches and ivy from protected trees.

2. Further appraisal of alternative solution must be presented, should a further application be lodged.