

PART 1 - PUBLIC

---

**Decision Maker:** Plans 4 Sub-Committee

**Date:** 18 February 2010

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

**Title:** **OBJECTIONS TO TREE PRESERVATION ORDER 2341 AT  
42 DURHAM AVENUE, BROMLEY**

**Contact Officer:** Coral Gibson, Principal Trees Officer  
Tel: 020 8313 4516 E-mail: coral.gibson@bromley.gov.uk

**Chief Officer:** Chief Planner

**Ward:** Shortlands

---

1. Reason for report

- 1.1 This order was made on 10 November 2009 and relates to two oak trees in the garden of 42A Durham Avenue.
- 1.2 Objections have been received by the owner of an adjoining property who expressed concern because trees in the area are already protected by virtue of their location within the Durham Avenue conservation area and also because the two trees are growing close to each other and one may need to be removed in the future. Comments have also been received by the owners of the property who expressed concern about the protection of T.1 because of its proximity to T.2 and the potential of the tree to cause damage to their property.
- 1.3 Firstly, the protection of trees in Durham Avenue was clarified. All trees in this area are protected by virtue of their location within the conservation area. This means that if any work to trees is proposed, 6 weeks notice in writing should be given to the Council who can either allow the proposed works or make a Tree Preservation Order. It does not have the power to revise the works and so the only way of controlling tree works which are not considered appropriate is by making a Tree Preservation Order. In this case the proposed work was to reduce the height of the two oak trees by one third. This work was considered to be inappropriate because the trees are visible from the street and also because height reduction by one third of oak trees is a major operation, which can harm the health of the trees by creating large wounds which act as entry points for decay causing organisms, as well as disrupting the trees internal systems of transportation and growth control. In addition it would harm the amenity value of the trees. Alternative work such as thinning the canopy and lifting the lower canopy would allow more light into the garden but would retain the trees as attractive healthy specimens. The following work has been agreed - the lifting of the lower canopies to give a clearance over the ground of no more than 4 metres and the thinning of the canopies by no more than 20%.
- 1.4 The objectors have been advised that Tree Preservation Orders do not preclude appropriate tree surgery or felling, although they do mean that the consent of the Council is required prior to most tree works being carried out. Trees sometimes require tree surgery or even felling but this

does not necessarily prevent Tree Preservation Orders being made for them. In respect of the trees growing beside each other, if it is demonstrated in the future that one of the trees should be removed for the benefit of the future health of the retained trees, then careful consideration of the proposal would be given.

## 2. RECOMMENDATION

- 2.1 The Chief Planner advises that the trees make an important contribution to the visual amenity of the surrounding area and notwithstanding the objections raised, the Order should be confirmed.
- 

## 3. POLICY IMPLICATIONS

- 3.1 This report is in accordance with Policy NE6 of the Council's adopted Unitary Development Plan.

## 4. LEGAL CONSIDERATIONS

- 4.1 If not confirmed the order will expire on 10<sup>th</sup> May 2010.

<b>Non-Applicable Sections:</b>	Financial and Personnel Implications
Background Documents: (Access via Contact Officer)	