

Report No.
TPO 2407

London Borough of Bromley

PART 1 - PUBLIC

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Decision Maker: Plans Sub Committee No.2

Date: 18th August 2011

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

Title: **OBJECTIONS TO TREE PRESERVATION ORDER 2407 AT
MAYFIELD LODGE, BRACKLEY ROAD, BECKENHAM**

Contact Officer: Coral Gibson, Principal Tree Officer
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Chief Officer: Bob McQuillan - Chief Planner

Ward: Copers Cope

1. Reason for report

To consider objections that have been made in respect of the making of a tree preservation order.

2. **RECOMMENDATION(S)**

The Chief Planner advises that the tree makes an important contribution to the visual amenity of the surrounding area and that the order should be confirmed.

3. COMMENTARY

3.1. This order was made on 4th April 2011 and relates to one oak tree in the front garden at the junction of Brackley Road and Copers Cope Road. The property is in use as flats and an objection has been made on behalf of the residents. The comments are as follows:

1. Roots of the oak tree have damaged the boundary wall resulting in the complete rebuilding of the wall. – it was noted that there is some displacement of the wall but there would appear to be sufficient space to allow for the wall to be rebuilt without the need to fell the tree. The wall was completely replaced on 8th April this year and an up to date photograph is included to the file however the objector remains concerned that the wall will need to be replaced again in three years time.

2. The residents tree surgeon could not guarantee that this would not happen again if the tree were left in place. The tree is mature but it is accepted that it is likely that there will some further growth which may affect a replacement wall. The “rules” regarding compensation were set out - a claim can be made if an application to the Council to carry out work to a protected tree has been refused or given consent subject to conditions. Claims have to be made within 12 months of the Council's decision and are only payable if an owner has suffered loss or damage as a result of the Council's decision to refuse or grant consent.

3. The tree has grown and is in a difficult position to prune. The tree is in the front garden of the property and whilst it overhangs the footway it is not in such a position that a tree surgeon could not prune the tree.

4. The tree is on a corner site and visibility for traffic is important. The tree does not obstruct visibility, although the residents state that they remain concerned that the tree obstructs visibility when driving in and out of the drive and it is particularly difficult to see pedestrians.

5. The branches of the tree overhang the pavement and this presents a serious risk for users of the path and road in heavy winds or storms. The matter of safety is of course an important one. If branches overhanging the pavement pose a high degree of risk, and the only remedy is removal, then it is unlikely that the Council would insist on their retention. Whilst it is never possible to guarantee the trees' safety, provided the tree is in good health then this is normally accepted as a low risk. The Council's consent must first be gained prior to almost any tree works. One exemption specified in the Tree Preservation Order is that of dead wood, and the formal consent of the Council is not required for the removal of dead wood from the tree.

6 and 7. No other plants can grow under the tree making it a barren area of land. They have expressed a willingness to plant 3 flowering trees or shrubs as replacements. They have been advised that the tree will restrict the types of plants that will grow. However, there remain a variety of species which tolerate dry shady conditions, which they might like to consider.

8. Their tree surgeon has advised that the tree had been cut down at some stage in the past which is why it has six separate trunks. They consider that this is unsightly and unlike other trees in the area. It is agreed that the tree is multi stemmed and this may be the result of previous work to it or it may be the natural growth of the tree. In respect of the appearance of the tree it occupies a prominent location at the junction of Brackley Road and Copers Cope Road and is a feature in the local landscape. The amenity value of a tree depends on many factors, and a tree may be appropriate in one location, but out of place or unattractive in another. Trees do not lend themselves to classification into high or low landscape value categories. In this case the size, potential growth, location and intrinsic characteristics of the tree is not considered to lessen its amenity value.

9. They consider that the tree when in leaf considerably restricts light into flats at the front of the building and hence more power is “unnecessarily” used when the emphasis is on energy saving.

They also advise that the Management Committee point out that there has been an enormous number of seedlings from the tree in the last 2 years. Even the smallest seedling has a very deep root and the larger ones have to be removed by a professional gardener. This has become a time consuming nuisance and if not removed oak trees would be growing up all over the place. However this would not be sufficient reason not to confirm the making of the order.

3. POLICY IMPLICATIONS

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

4. FINANCIAL IMPLICATIONS

None

5. LEGAL IMPLICATIONS

If not confirmed the order will expire on 22nd September 2011.

6. PERSONNEL IMPLICATIONS

None

Non-Applicable Sections:	Financial and Personnel implications.
Background Documents: (Access via Contact Officer)	