

SECTION '2' – Applications meriting special consideration

Application No : 11/02137/TPO

Ward:
Biggin Hill

Address : 35 Valley View Biggin Hill TN16 3QN

OS Grid Ref: E: 541619 N: 158272

Applicant : Mr And Mrs Cheadle

Objections : NO

Description of Development:

Fell 1 Oak tree in back garden
Subject to TPO 301

Proposal

Fell one oak tree.

Location

In back garden of 35 Valley View.

Comments from Local Residents

None.

Planning Considerations

This application concerns an oak tree in the back garden of 35 Valley View but the application has been made by the owner of No.33.

The applicant has stated that he wishes the tree to be felled because of excessive shading and low amenity value. The application includes a petition which has been signed by the owners of Nos. 31, 37 and 39 Valley View and 55 Lusted Hall Lane. The petition states:

“This petition expresses our concerns in respect of the oak tree in the rear garden of 35 Valley View. Although this tree was granted a tree preservation order in 1986 years of neglect now leave us with a tree whose size and condition give us all a great deal of concern for our safety and quality of life. Its size and proximity to our houses the considerable overhang to our gardens and the organic mess it deposits every year month after month (acorns have not been seen for at least 5 years) and the real possibility of roots undermining our properties lead us to ask that the TPO is lifted as

soon as possible with a view to the tree being removed in order that we can all return to a safe and enjoyable environment once again.”

The tree is a mature specimen about 15 metres in height with a wide spreading canopy. It is in a healthy condition and there is no serious risk of branch failure or even total failure of the tree. The back garden of no.35 is 12 metres long and 9 metres wide, and the tree is just under 2 metres from the rear boundary. The tree is to the north of the houses and whilst it does not cause direct shading it will contribute to loss of ambient light. The tree is clearly visible between and over the houses and does make a positive contribution to the visual amenities of the area. The problems described could be alleviated by appropriate pruning.

The applicant does not appear to have sought the agreement of the owner for the carrying out of the work and the owner has not made any submissions in respect of this application. It should be noted that if consent were to be granted the agreement of the owner would be required for the carrying out of any work to the tree as he remains responsible for its maintenance.

Conclusions

The tree is a healthy specimen of amenity value to the area. Pruning of the tree would help to alleviate the problems described rather than its complete removal and can be consented under this application.

Background papers referred to during production of this report comprise all correspondence on file ref. 11/02137, excluding exempt information.

RECOMMENDATION: SPLIT DECISION

Fell one oak tree in back garden: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The oak tree is considered to make an important contribution to the visual amenities of the street scene and the proposed loss of the tree would be detrimental to the visual amenities of the area.**

Lift to give 5m clearance over the ground and crown thin by 20% one oak tree in back garden: CONSENT TO TREE WORKS

Subject to the following conditions:

- | | | |
|----------|---------------|--------------------------|
| 1 | ACB09 | Tree Commencement |
| | ACB09R | Reason B09 |
| 2 | ACB07 | Tree Surgery |
| | ACB07R | Reason B07 |

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