

SUBJECT	TREE PRESERVATION ORDER CONFIRMATION REPORTS	ITEM 7
REPORT OF	Forestry and Countryside Manager	

TPO NO.	27/2007
SERVED	21 June 2007
PARISH	Didcot
SITE	32 Hagbourne Road, Didcot, OX11 8DR
GRID REF	SU 53108984
CASE OFFICER	Martin Gammie

1.0 INTRODUCTION

1.1 The purpose of this report is to seek the confirmation of Tree Preservation Order (TPO) No. 27/2007, whilst giving consideration to the submitted objection.

2.0 BACKGROUND

- 2.1 The Council's forestry service were consulted on planning application P06/W0944 which proposed a new, additional dwelling on the site of 32 Hagbourne Road, Didcot which stands in the Didcot Northbourne Conservation Area. The application proposed the removal of 3 trees but specifically referred to the retention of two trees to maintain the sylvan character of the area (see appendix 1 Design and Access Statement).
- 2.2 One of the tree officers visited the site to assess the merits of the trees and the potential impact of the proposed development. The tree which is the subject of this report appeared to be a good specimen of its species, in good health and of considerable safe useful life expectancy. It is considered that the tree creates a significant feature on the site and provides amenity value to the landscape of the area, Whilst the officer acknowledged the amenity contribution the trees provided as a whole within the Conservation Area, he conceded to the removal of the 3 trees due to their limited safe useful life expectancy providing that replacement tree planting be conditioned and retained trees be protected in accordance with BS5837/2005. (See appendix 2 Forestry consultation response).
- 2.3 The officer also advised that the development would be likely to create pressure for further tree removal due to the diminished garden area, resulting from the

division of the plot. However, it was considered that as the trees were protected by the Conservation Area, a TPO was not necessary at that time.

- 2.4 The original planning application was withdrawn and re-submitted as P06/1333. The original forestry consultation remained applicable to the revised application which was approved on 1 May 2007.
- 2.5 On the 23 May 2007 the forestry section received a telephone enquiry from Mr Milkowski, the owner of the site, requesting details for the procedure necessary to undertake works to trees within the Conservation Area.
- 2.6 On the 24 May 2007 the forestry section received a Conservation Area Notice of Intent proposing the removal of the birch tree which is the subject of this objection.
- 2.7 As the officer who implemented the planning consultation was no longer with the Council, a site visit was implemented to confirm the amenity value of the tree and merits of the proposals.
- 2.8 Having assessed the tree and the site against the reasons given for the proposed removal the Council's forestry officer considered the tree to of significant amenity value and worthy of protection. Tree Preservation Order No. 27/2007 was served on 21 June 2007. The council received only one objection to the TPO, from Mr Milkowski and Mr Bishop on 5 July 2007. They also received a letter of supporting the objectors request to fell the tree. Both are attached at appendix 3.

3.0 REASONS FOR OBJECTION

- 3.1 The reasons for objection received are detailed in the letter from Mr Milkowski and Mr Bishop which is attached at appendix 3 and summarised below.

- The tree reduces the 'usable' amenity space of the garden
- The tree restricts the light to the garden and the house
- Tree roots are damaging surfacing and adjacent structures
- The tree creates a risk in terms of subsidence
- The tree creates a risk in terms of its structural integrity and stability
- The tree creates a risk of damage to drains
- Reduced saleability of the property

4.0 APPRAISAL

- 4.1 When giving consideration to the confirmation of this Order Members are advised to take account of the following points which address the concerns raised in the objections above:
- 4.2 The division of the plot will obviously reduce the garden space. However, the presence of the tree will have minimal effect on the 'usability' of the garden and it is suggested that to many, it would be seen as an attractive feature with its light foliage providing a dappled shade (see photos when presented at committee). Some judicious lifting of the lower canopy and minimal thinning of the overall crown would further enhance the tree and its compatibility to its site. The planting of shrubs beneath the tree are seen to be the major restriction to the use of the space beneath the tree.

4.3 The Council has no record of any previous Notices for tree work at this address and it would appear that the tree has been allowed to grow uninhibited for some years and that light issues do not appear to have been a problem. The pruning works suggested above would reduce shading from this tree should it be seen to be excessive.

It is accepted that the tree will block some sunlight. However, being deciduous it is only in full leaf for approximately seven months of the year. When natural light levels are at their lowest, that is during the winter period and beyond, the tree is out of leaf and so will have a negligible impact on any sunlight. During the height of summer, when temperatures and ultra-violet levels are high, some shade is normally desirable bringing relief to the increasingly warmer weather we are experiencing in present times.

As stated by Mr Milkowski, the removal of the tree would not resolve shading of the property due to the larger adjacent tree in the neighbouring property. Dividing the property into two dwellings is undoubtedly going to have some impact on the amenity space and additional shading from the fence may be one of those. Such matters were considered as part of the planning application process in which the now approved application clearly stated the retention of the subject tree.

It should also be noted that the proposal shows the removal of 3 trees which will inevitably have the counter the shading from the fence and building to some extent.

4.4 As trees grow within the urban environment there will undoubtedly be some compatibility issues with the site, adjacent structures and those using the site. Sound arboricultural management seeks to achieve an acceptable balance between the retention of trees which provide a significant contribution to their environment and the cost of management and repairs associated with them.

When taking on the ownership of a property a degree of maintenance has to be accepted to both the structure and the garden that surrounds it. The Conservation Area legislation seeks to conserve the character of an area and provide some protection for the features within it. These constraints should also be a consideration of property owners.

The cracking of the ageing concrete surfacing may or may not be tree related and it is suggested that would be reasonable to expect some repair or replacement costs of such structures over time.

The adjacent garage will be demolished as part of the development proposals and

there is no evidence to suggest that the cracking to which Mr Milkowski refers is related to the tree.

- 4.5 If a property owner suspects that a tree has the potential to damage his/her property we recommend they seek the advice of a structural engineer or arboricultural consultant. Subsidence is dependant on several factors and each case must be assessed by the relative experts and determined on the individual merits. If the tree were implicated in the cause of any damage to their property we would request they provide evidence of this and forward these details to the Council, upon which we would decide upon appropriate action. Birch is considered a relatively low risk species in relation to subsidence, being a low water demanders and of moderate vigour.

It should be noted that the adjacent ash is significantly larger tree and that ash are classed as a moderate water demander and have considerable vigour. It would therefore be a more likely contributory factor should any tree related subsidence be identified.

- 4.6 There is currently no evidence that the tree poses a threat to the drainage system and given the properties of this species, as detailed above, it is considered unlikely, particularly if the drains are maintained in good condition thereby minimising the potential for root ingress.

5.0 POLICY & GUIDANCE

- 5.1 The South Oxfordshire Local Plan adopted 2006 recognises the contribution that trees make to the appearance and character of towns and villages within the District and commits the Council to preserving and retaining existing trees. These aims are embodied in Policies C1, C9 and CON7.
- 5.2 In order to ensure consistent interpretation of the TPO legislation guidance has been sought from the DETR publication "Tree Preservation Orders. A Guide to the Law and Good Practice".

6.0 CONCLUSION

- 6.1 The tree is considered worthy of the Order because:

- The tree has public amenity value when assessed in line with Government guidance and contributes to the character of the Conservation Area.
- The planning application for the division of the property was approved on the basis of the submitted scheme which specifically stated that the subject tree would be retained.

- The Council agreed to the loss of 3 trees on the basis that the subject tree would be retained and a new tree planted.
- The tree has considerable safe useful life expectancy i.e. over 20 years.
- Remedial tree surgery works would further improve the trees compatibility with its site and help to mitigate some of the concerns raised by the objector.
- With appropriate management trees, buildings and their occupants can and must co-exist if we are to have the benefits of trees within the urban environment.
- The tree is an established feature of the landscape of the area and is worthy of retention.

7.0 RECOMMENDATION

7.1 That Tree Preservation Order No. 27/2007 be confirmed.

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APPENDIX 1: Design and access statement

APPENDIX 2: Forestry consultation response

APPENDIX 3: Letter of objection (Mr Milkowski and Mr Baker)

APPENDIX 1

DESIGN AND ACCESS STATEMENT RELATING TO PLANNING APPLICATION

APPENDIX 2

FORESTRY CONSULTATION RESPONSE

APPENDIX 3

LETTER OF OBJECTION