

TPO NO.	13/2007
SERVED	26 March 2007
PARISH	Sonning Common
SITE	6 Heather Close, Sonning Common, RG4 9EF
GRID REF	SU71018022
CASE OFFICER	Jasper Fulford-Dobson

1.0 INTRODUCTION

1.1 The purpose of this report is to seek the confirmation of Tree Preservation Order (TPO) No. 13/2007, whilst giving consideration to the submitted objection.

2.0 BACKGROUND

- 2.1 The Council received an enquiry from Mr Girdler providing us with information that his neighbour was intending to remove some trees and a hedge located on the boundary between the two properties and that they may be of significant amenity value to the area.
- 2.2 The enquiry prompted the temporary tree officer to visit the site to assess the merits of the trees. The trees appeared to be good specimens, in good health and capable of standing for a number of years. It is considered that the trees create a significant feature on the site and provide amenity value to the landscape of the area, (see appendix 1 Amenity assessment).
- 2.3 The temporary tree officer was concerned that the future of the tree was threatened and that given the amenity value the trees provide to the area they were worthy of protection. A TPO was therefore served on 26 March 2007.
- 2.4 Letters of objection were submitted by Mr. Selby (tree owner) and Mr and Mrs Carberry (1 Heather Close) and Mr. Girdler (9 Grove Road) who requested the TPO in the first instance. E-mails supporting Mr Selby's objections were received by Mr. Wooster (5 Heather Close) and Mr and Mrs Wheatley (address unknown). The temporary tree officer sent letters addressing the objections raised to Mr. Selby, Mr and Mrs Carberry and Mr. Girdler who has since withdrawn his objections and is now in favour of the TPO again.
- 2.5 After some discussion over the telephone and via e-mail, the temporary tree officer provided the tree owner with the options for arboricultural management to mitigate their concerns. The Council received an application form for the recommended works to the trees and a letter giving consent to those works was sent to the tree owner on 27 April 2007. However the Council received a letter of objection to the TPO (see appendix 2) on 04 May 2007.

3.0 REASONS FOR OBJECTION

3.1 The reasons for objection received in the letter from Mr. Selby are summarised below.

- 3.2
- Errors in the TPO; incorrect plotting of the trees and irrelevant Local Plan Policy (C9) quoted
 - The trees make only a limited contribution to public amenity
 - The size of the tree and its proximity to the building, shade cast, falling debris, loss of moisture and restricts growth of other plants
 - Neighbour's (Mr Girdler) agree that T1 should be removed
 - Both trees are of poor form

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 It is accepted that the trees are incorrectly plotted and it is the Council's intention to correct the positioning of the trees on the plans. At the time the assessment was made the temporary tree officer did not enter the land on which the trees are located and was therefore unable to plot the trees in the exact location in which they are growing. It should be clear from the description/situation on Schedule 1 of the Order that the only two Beech trees within the rear garden of 6 Heather Close are the trees in question and once the trees have been re-plotted a copy of the modified Order will be sent to the parties affected.

The formal notice refers to four South Oxfordshire Local Plan policies. This is standard procedure for all TPO notices and does not necessarily mean that all the points within the policies mentioned are relevant to the particular TPO in question. The policies are listed to demonstrate the principals on which the TPO has been served and which support the reasons given for the Order.

4.3 It is considered to be in the interests of amenity to make the trees subject to a TPO. The trees or at least a part of them can be seen from Grove Road and create a softening to the harsh outlines of the houses. The trees are also partly visible from properties not generally considered public spaces but from which the public may view the trees, such as the rear gardens of the detached properties on Grove Road. The trees form an important landscape feature and add to the sylvan character and skyline features of the local area.

4.4 It is accepted that the Beech T1 is close to the house. However, there is at least 1.5m clearance from the mature trunk and the house and trees do not exert enough force to lift heavy structures so direct damage is unlikely in this instance. The risks the roots pose to the property depend on many factors such as soil type, foundation depths and weather conditions. Subsidence is impossible to predict but generally only occurs on shrinkable clay soils. However, if the tree owner suspect the tree(s) have the potential to damage his/her property we recommend they should seek the advice of a structural engineer or arboricultural consultant. If the tree were implicated in the cause of the 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.

Trees may block some sunlight and while it is recognised that the trees are located to the south of the house, they are deciduous and are 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.

The clearance of leaf litter and debris from trees is held to fall within the general maintenance of a property and case history advises that the inconvenience that may be caused does not justify the removal of the tree(s).

- 4.5 Mr. Girdler who lives at 9 Grove Road made a visit to the Council offices on 1 March 2007 to request a TPO be placed on the trees as he was aware that they were in imminent danger of being removed and felt that they were providing benefit to not only himself but also to other neighbours and the local area. I am in agreement with him that the trees should be retained by way of a TPO given their amenity significance. Mr. Girdler did submit an objection to the TPO but has subsequently withdrawn his objections following a letter from the temporary tree officer addressing those objections.
- 4.6 The trees are not considered to be perfectly formed examples of their species but they have good crown structure and provide public visual amenity value to the local area. The trees appear to be in a relatively sound and healthy condition for their age, with no outward signs of any significant defects or decay. It is therefore not reasonably foreseeable that the tree(s) or a part of them will fail.

I have had extensive correspondence with the tree owner about the trees since they were made subject of a TPO and I provided him with a recommended work specification for the purposes of an application to carry out works to the trees as follows:

Year 1: crown reduce by no more than 1.5m all over, crown clean and crown lift to a height of 4m from ground level (by removing small and secondary branches only).

Year 2: crown thin by no more than 15% (removing small and secondary branches only).

Upon receipt of written confirmation that the works could proceed the tree owner has employed a qualified tree surgeon to carry out the work for year 1. This has addressed the conflicts raised in his objections particularly with regards to light issues and the proximity of the trees and branches to the house. The conflict will

be further addressed upon completion of the works specified for year 2. It is therefore evident that with careful management of the trees, perceived conflict can be addressed and minimised while retaining these important landscape features for the benefit of the local area and for those who live and work there.

5.0 POLICY & GUIDANCE

5.1 The South Oxfordshire Local Plan adopted 1997 and the draft South Oxfordshire Local Plan June 2002 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 Policy C16 which states:

C16: "trees or areas of woodland which are important to the local scene will be protected and development, which would normally result in the loss of important trees and hedgerows, will not normally be permitted".

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:

- Both the amenity value assessment (appendix 1) and the photographs (appendix 2) clearly demonstrate that the tree has public amenity value when assessed in line with Government guidance.
- The tree has considerable safe useful life expectancy i.e. over 10 years.
- Remedial tree surgery works have been carried out and these have mitigated the majority 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. 13/2007 be confirmed.

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APPENDIX 1: AMENITY ASSESSMENT

APPENDIX 2: PHOTOGRAPHS OF THE TREES

APPENDIX 3: LETTER OF OBJECTION (MR. SELBY)

APPENDIX 4: LETTER OF OBJECTION (MR AND MRS. CARBERRY)

APPENDIX 5: LETTER WITHDRAWING OBJECTION (MR. GIRDLER)