

tree proposing to fell and remove the whole tree. On assessing this proposal the Forestry section sent a response letter advising that the tree was of considerable landscape and amenity value and recommending alternative works as follows; tip-reduce selected over-extended lateral branches overhanging the adjacent houses by no more than 1.5m.

- 2.4 The owner of the tree subsequently telephoned the Forestry section to query and object to the response letter.
- 2.5 On the 07 August 2007 a TPO was served in line with best practice and according to "Tree Preservation Orders, A Guide to the Law and Good Practice", (DETR). The TPO amenity assessment can be seen in appendix 1 and the TPO map can be seen in appendix 2.

3.0 REASONS FOR OBJECTION

3.1 The reasons for objection received in the letters and emails from Mr. Gilgrass are summarised below and can be seen in appendix 3.

- 3.2
 1. The condition of the tree, including large pieces of bark that can be broken by hand from the south side of the trunk, the amount of scarring due to the considerable amount of authorised work carried out on the tree over recent years and the length of some of the branches, including the extent to which they overhang both his property and Little Barn.
 2. The size and proximity of the tree to 2 Sotwell Manor and to Little Barn poses a very real and significant threat of structural damage to the properties and serious personal injury to their inhabitants.
 3. During the storms earlier this year, a large piece of branch was broken from the tree causing damage to the roof of 2 Sotwell Manor.
 4. The overhang to both properties is substantial, reaching almost to the central ridge of 2 Sotwell Manor, some branches coming within less than 1m of the roof and chimneys. It is not feasible to trim back the overhang in line with the properties roof line and preserve the tree.
 5. It is foreseeable that, with current climatic patterns, branches could be broken from the tree due to high wind speed, resulting in the aforementioned damage and personal injury.
 6. In addition of the amenity value of the tree, the value of the community of Sotwell Manor should be taken into account. The building is some 300 years old and is of historic value within Brightwell-cum-Sotwell, its loss or severe damage would be a significant loss to the village.
 - 7.

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 tree was visually inspected from ground level by a qualified arboriculturist in order to assess the notice of intent which was received by the Council on 25 July 2007. At the time of this inspection there were no outward signs of any significant

defects or decay. The points made in the above objections are considered to be superficial in relation to the safe useful life expectancy of the tree or the immediate threat to the adjacent houses or their inhabitants.

- 4.3 Whilst it is acknowledged that the tree is in close proximity to the house known as 2 Sotwell Manor, with appropriate management trees, buildings and their occupants can and must co-exist if we are to have the benefits of trees within the rural, urban and sub-urban environment.
- 4.4 There was no outward sign of significant storm damage or branch failure on the tree at the time of the inspection and no evidence has been provided in any correspondence to show that damage was caused to the roof from a falling branch.
- 4.5 The presence of overhanging branches does not necessarily pose a real threat to a property and in many parts of the world trees that overhang houses are greatly valued for their shading properties. Previous tree work recommendations from the Council regarding this tree have not advocated the pruning of branches right back to the properties roof-line.

- 4.6 At the time of the tree inspection there were no outward signs of any significant defects or decay. The crown spread, height and end weight of the branches have been reduced in the past and although there are no guarantees in nature, it would not be reasonably foreseeable that the tree or a part of it will fail. Recommendation was given to ensure the tree is regularly inspected by a qualified arboriculturist and that a new tree is planted to act as a future replacement for when the existing tree eventually requires removal.

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 (to be shown on the overhead projector at the meeting) clearly demonstrate that the tree has significant landscape and public amenity value when assessed in line with Government guidance.
- With appropriate management this mature, native tree can continue to provide the benefits mentioned in this report for landscape and public amenity purposes to the Conservation Area of Brightwell-cum-Sotwell for many years to come.
- 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. 33/2007 is confirmed.

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APPENDIX 1: TPO AMENITY ASSESSMENT FORM

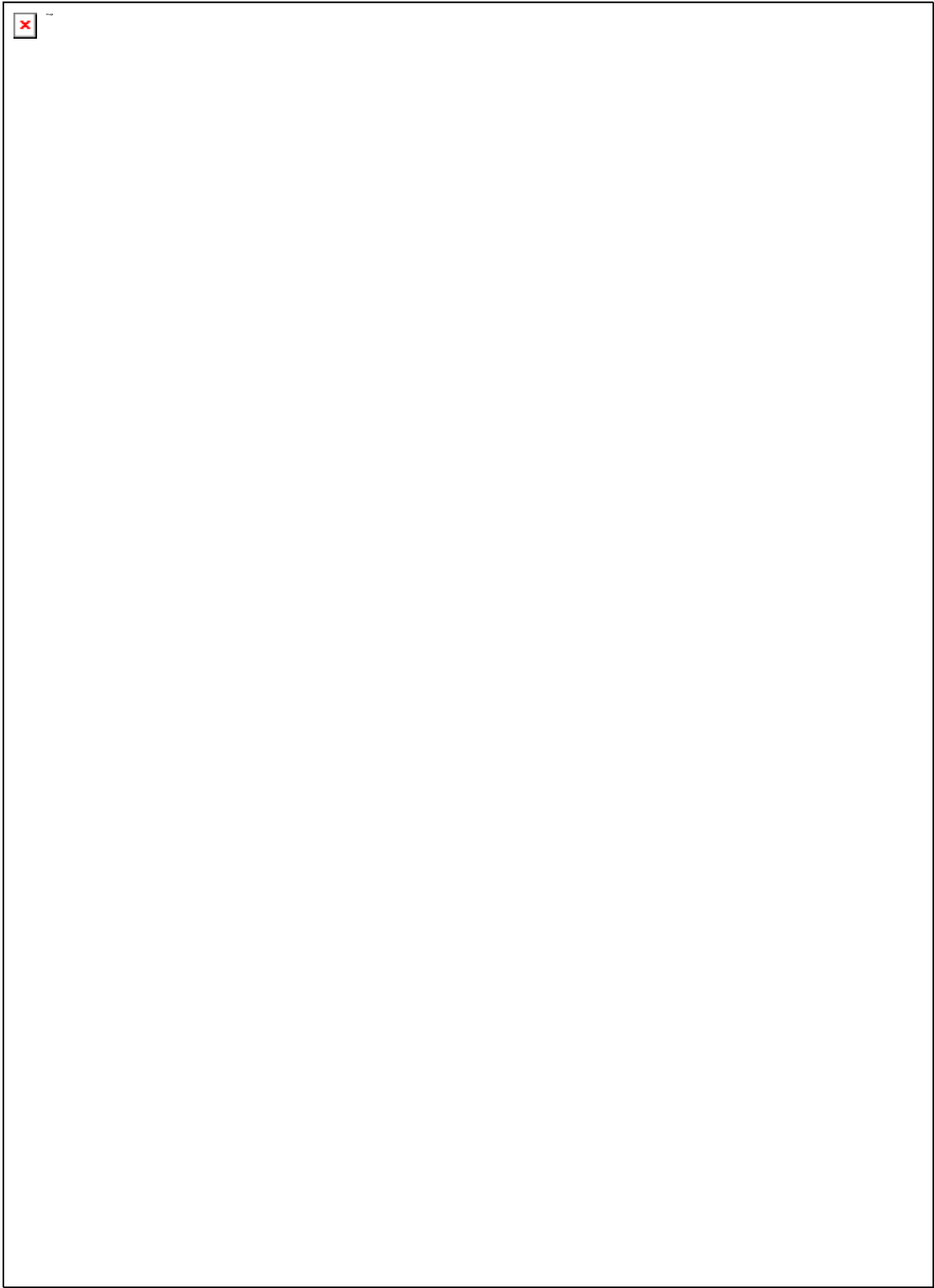
APPENDIX 2: TPO MAP

APPENDIX 3: LETTER OF OBJECTION

(Colour photographs of the tree to be shown on the overhead projector at the meeting)

APPENDIX 1

TPO AMENITY ASSESSMENT FORM





APPENDIX 2

TPO MAP



APPENDIX 3

LETTER OF OBJECTION



