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<b>SUBJECT</b>	<b>TREE PRESERVATION ORDER CONFIRMATION REPORTS</b>	<b>ITEM 7</b>
<b>REPORT OF</b>	Tree Officer	

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<b>TPO NO.</b>	27/2008
<b>SERVED</b>	17 September 2008
<b>PARISH</b>	Aston Tirrold
<b>WARD MEMBER(S)</b>	Patrick Greene
<b>SITE</b>	The Old School House, Aston Tirrold
<b>GRID REF</b>	SU 455626 / 185880
<b>OBJECTIONS RECEIVED FROM:</b>	Mr & Mrs Smith, The Old School House. Dr & Mrs Haas, Hetherals. Mr & Mrs Brunskill, Twitten.
<b>CASE OFFICER</b>	Matt Gulliford

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1.0 **INTRODUCTION**

1.1 The purpose of this report is to enable the Committee to consider the proposal to confirm TPO No. 27/2008 whilst taking account of the three objections that were made to TPO. The TPO protects 1 Cedar tree as an individual.

2.0 **BACKGROUND**

2.1 On the 6 August 2008 the councils forestry team received a 'notice of intent' to fell a Cedar tree in the rear garden of The Old School House, Aston Street, Aston Tirrold. This address is within Aston Tirrold / Aston Upthorpe Conservation Area.

2.2 The notice of intent gave no reason for the trees removal.

2.3 An officer from the forestry team inspected the tree on the 15 August 2008. At the time of the site inspection the tree officer recorded the tree to be in good structural and physiological condition with a considerable life expectancy.

2.4 A standardised amenity assessment was undertaken. The tree was considered as a prominent site feature, contributing to the character of the conservation area and therefore worthy of protection.  
**(Site photos in Appendix A)**

3.0 **REASONS FOR OBJECTION**

3.1 The council have received three letters of objection to the TPO. The letters of objection are from:

- Mr & Mrs Smith, The Old School House Aston Street, Aston Tirrold
- Dr & Mrs Haas, Hetherals, Aston Street, Aston Tirrold
- Mr & Mrs Brunskill, Twitten, Aston Street, Aston Tirrold.

3.2 A copy of their letters are **attached** in appendix B and the reasons for objecting are summarised below:

- the species of tree is inappropriate for the size of the owner's garden as it will become too large
- the tree blocks out light and rainfall to the owner's garden
- the tree is potentially a hazard. In times of inclement weather branches have fallen from the tree
- the tree has a low amenity value.

**(See Appendix B)**

4.0 **APPRAISAL**

4.1 When giving consideration to the confirmation of this order councillors are advised to take account of the following points which address the concerns raised in the objections above:

4.2 The tree is a Cedar which has a conical habit and can grow to a substantial height of around 30 metres tall. However, it will take a considerable amount of time to reach this height, estimated to be around 60 to 90 years. It is currently 11 meters tall and is estimated to be 30 years old. Over the next 20 years the trees growth pattern will slow significantly, not maintaining its current rate of growth.

4.3 The tree is growing within the rear garden of the property, 25 meters from the owners house. The plot of land is approximately 60 meters long and 21 metres wide, providing considerable space for the tree to grow.  
**(Aerial photograph of site in Appendix A)**

4.4 By way of modern arboricultural pruning practices the tree can be managed to ensure future compatibility to its surroundings. The TPO would not prevent this as the SODC forestry team seek to promote such works.

4.5 The recent Government publication *Tree in Towns II* identifies the diminishing number of trees within the urban environment, particularly the loss of large species such as the Cedar. The publication reinforces the local authorities position promoting there protection when ever possible.

4.6 By way of proactive tree management following modern arboricultural practices, trees like the Cedar can be safely managed, retaining their intrinsic beauty and contribution to the amenity of the area. In turn they can also be managed to address the specific concerns raised in the letters of objection.

4.7 Thinning the density of the trees canopy will allow more light and rainfall through the tree to the garden below. As part of the thinning operation any dead or damaged branches can be removed. This will then significantly reduce the likelihood of branches snapping out in periods of windy weather.

4.8 As trees grow within the built environment there will undoubtedly be some compatibility issues with the site, adjacent structures and those using the site. The pruning practices listed above will significantly reduce the acknowledged inconvenience and ensure the long term retention of the tree.

4.9 As part of the process when considering serving a tree preservation order a standardised amenity assessment is undertaken. This is to ensure a consistent approach is taken towards every tree assessed. Such practice is recommended as

good practice in the government publication '*Tree Preservation Orders, A guide to the law and good practise.*' The tree achieved a good score against the assessment criteria, justifying its protection.

4.10 The tree is well established in the early stages of maturity, as it continues to grow reaching full maturity, the tree will become a more prominent feature for the site and the surrounding village. In turn greatly increasing its amenity value and contribution to the conservation area.

4.11 The council forestry team are very willing to provide advice and assist tree owners to ensure trees throughout the district are managed in a sustainable manner following modern arboricultural practice.

## 5.0 **POLICY & GUIDANCE**

5.1 The South Oxfordshire Local Plan adopted in 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, C6, C9, CON7 and A1 which seek to underpin the statutory duty of the council to protect trees of amenity value.

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, being visible to the public. As it continues to grow its visibility will increase further. It contributes to the character of the conservation area.
- the tree is in good structural and physiological condition, with no evidence of significant defects visible at the time of the inspection. It has a life expectancy of over 60+ years.
- the concerns raised in the letters of objection can all be mitigated with basic remedial works to the tree, without the need to remove the tree.
- there is clear a threat to the tree as a Notice of Intent was submitted to the council informing us the property owners were planning to fell to the tree. Therefore the serving of the order is considered expedient and in accordance with Government guidance and the council's statutory duty to protect trees of amenity value.
- the preservation order will allow the trees to be managed following best arboricultural practice, successfully tackling any future compatibility issues whilst maintaining the tree in good health for future generations.

7.0 **RECOMMENDATION**

7.1 **That tree preservation order no. 27/2008 be confirmed.**

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**APPENDIX A: TPO site map and photos**

**APPENDIX B: Letters of objection**

## **APPENDIX A**

### **TPO SITE MAP AND PHOTOS**

## **APPENDIX B**

### **LETTERS OF OBJECTION**