Maldens and Coombe Neighbourhood Committee
20 January 2015

Confirmation of a Tree Preservation Order (TPO) Reference No: RBK.TPO.06.2014
Report by Ben Morgan (Tree & Landscape Officer)

**Purpose:**

The making of this new TPO having been objected to, the Order is now brought before the Committee for decision. The Committee may decide to confirm without modification, confirm with modification or choose not to confirm the Tree Preservation Order.

**Recommendations:**

To Confirm the TPO without Modification.

**Points Of Objection Summarised:**

A. The objector believes that this species of tree is not of any merit.
B. The objector states that the tree is not within a Conservation Area and does not have any historical significance.
C. The objector believes there are a lack of reasons demonstrating expediency within the order.
D. The objector feels that the tree causes him significant disamenity.
E. The objector feels that the tree does not provide significant public amenity.
F. The objector considers that the lack of visit to his address was insufficient.
G. The objector believes that the Council has not been even handed in the serving of this order.

**Council Response:**

**Species:**

1. Birch as a species are typically host to a large population of insects and in turn support many birds, contributing greatly to their natural environment. In fact second only to Oak and Willow this species are recognised as having huge significance to their immediate environment in terms of the other species that they in turn support.

2. The commonality of a tree species is not necessarily a reason to treat the removal of a tree lightly and especially not when such a tree is an outstanding specimen of its type as it is in this instance.

3. The objector states that the tree “is not part of a woodland or larger group of trees.” Whilst this is incorrect and the tree is clearly part of a grouping of mature trees centered within the context of this residential block, it is not being protected for this reason but rather for its merit as an individual tree.
History & Location:

4. The objector is correct in their assertions that historical significance does not play a part in the designation of this tree as a TPO and that the tree does not fall within a Conservation Area. It also appears that they are correct when stating that the tree does not function as a screen, but none of these are reasons stated for the making of this TPO within the documents served.

Expediency:

5. The wording within the notice served reads as follows:

“*It is considered expedient to make the Order at this time in order to safeguard the amenity contribution being made.*”

6. This is a statement which stands alone and requires no further justification. However, as the objector has requested clarification, suffice it to say that the Authority had reason to believe that the tree was in danger of being removed or having excessive works carried out to it and such was not considered to be in the interests of public amenity or of local biodiversity. Following action on the part of the Council to serve this TPO, the letter of objection clearly justifies such concerns by including the following statement:

“*Only by removing that tree can my dis-amenity be solved.*”

Disamenity:

7. The tree is at a distance of more than 40m from the nearest point of the objectors dwelling, as typical of the species the tree has an airy and open crown which does not overly impede light. The tree is also overshadowed by a small woodland directly behind it and to the west of the property, which includes larger and more mature species as well as some evergreens, which will without doubt, make a far greater contribution to any loss of late afternoon light, and who’s influence upon such light would not be altered by the removal of the tree now subject to a TPO.

Amenity:

8. Despite the objectors assertions that the tree “is not visible to the public” and “cannot be seen from any public road”, the tree is in fact highly visible to members of the public and may clearly be seen from at least 5 vantage points including all four surrounding roads. Additionally, it is also visible to a number of properties in the immediate vicinity. The tree also being of a size, age and species typical with the area, can be said to be part of the urban fabric and character of the area in its own right. It is on the basis of all the above points that the tree is considered to be of high amenity value and contributing greatly to the character of the area.

Other:

9. In consideration of this TPO a site visit was made, although the tree was only seen from the streets surrounding. But as the main basis for the making of this TPO is that of public amenity, this approach was deemed appropriate.

10. We are not able to disclose who requested the TPO, but can state that the Council treats all such requests in a like minded manner, does not take sides, or allow any weight to be leant to their reasoning when making an assessment of the suitability of the trees for TPO.
Subsequent Communication:

11. One further letter was received and a response from the Council sent, the outcome of which is that the objector does not wish to retract his objections.

Background papers – held by the author
Author of report – Ben Morgan (Tree & Landscape officer)