

PLANNING COMMITTEE – 21 April 2016

PART I - DELEGATED

5. **Consideration of Objections and Confirmation of Three Rivers (30 South Road, Chorleywood) Tree Preservation Order 2016 (DCES)**

1. **Summary**

1.1 To consider objections made in respect of the Three Rivers (30 South Road, Chorleywood) Tree Preservation Order 2016. This report sets out the officer's recommendations to confirm this Order without modification.

2. **Details**

2.1 The Three Rivers (30 South Road, Chorleywood) Tree Preservation Order 2016 was made in response to a Section 211 Notice which was received on 26 January 2016. The notice outlined proposed works of 25% Crown Reduction.

2.2 An objection has been submitted regarding the Order on the following basis:

- a) It is clear that a TPO can only be made where the tree in question has special value and high amenity, this tree has neither.
- b) The principle amenity is that of the persons immediately affected by it. That is our immediate neighbours and ourselves. There is no amenity value in a tree to persons who never see the tree. This tree has grown out of all proportion with a domestic suburban garden.
- c) The tree is cause of considerable damage and interference. There is a constant dropping of small branches onto our means of access and egress from our home and into the footpath also. The footpath is used by mothers and toddlers on their way to the local pre-school.
- d) The lack of sunlight has caused the growth of moss on the steps to our front door. One of our neighbours has already fallen badly and we slip constantly.
- e) The roots of the tree have invaded the drains from our home to the street and require constant clearing out. Furthermore the roots protrude several inches above grass level and are a danger to enjoyment from and cultivation of our roses.
- f) It has never been our proposal to fell this particular tree but rather to manage it appropriately under the guidance of a properly qualified tree surgeon. The present application to reduce the crown is only necessitated by interference to the telephone wires from the street to our home and to alleviate the darkness and resulting dampness that the tree causes us and our immediate neighbour.
- g) It is also important to bear in mind that this tree is not an indigenous species and is one wholly out of keeping with a domestic garden. From our enquiries the tree was planted as a feature roughly at the time of the building of the house and was never intended to outstrip the height of the house. It now dwarfs the house. The tree is less than 7m from our house.
- h) In summary we are of the firm opinion that this tree does not have special value nor high amenity value and to the contrary it is the

source of interference with the amenity to be expected of a private home, to our neighbours and to the local community who use South Road.

2.3 In response to the above objection:

- a) Planning Practice Guidance for the making of TPOs makes no reference to 'special value'. There is guidance on assessing the 'amenity value' of a tree. The principle factor in assessing amenity value is the public visibility of the tree.
- b) TPOs are made in the interests of public amenity. This tree is situated on the frontage of 30 South Road and was protected because of the contribution it makes to the character of the Chorleywood Station Estate Conservation Area.
- c) No detail has been given about the damage caused by the tree. The local pre-school is 150 meters away on Hillside Road.
- d) Unwanted moss can be removed and controlled with regular maintenance.
- e) No detail has been given about ongoing works to clear roots from the drains.
- f) The interference to the telephone wires could be addressed with selective thinning of the crown around the telephone wires. The shading could be alleviated by raising the crown of the tree. The 25% crown reduction outlined in the Section 211 Notice would not have addressed the issue with the telephone lines.
- g) The Chorleywood Station Estate Conservation Area is in part characterised by a number of mature Cedar trees which were planted after the estate was built. There is a similar Western Red Cedar tree at the southern end of the frontage to 30 South Road. This tree is protected by a TPO which was made in 2007 in response to a Section 211 Notice.

3. **Options/Reasons for Recommendation**

3.1 There are two options available to the Committee:

- (a) Confirm the Order without modification.
- (b) Not to confirm the Order. This would mean that the tree/s would not be provided statutory protection and could be removed without any further notification requirement.

4. **Policy/Budget Reference and Implications**

4.1 The recommendations in this report are within the Council's agreed policy and budgets.

5. **Financial, Legal, Staffing, Environmental, Community Safety, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications**

5.1 None specific.

6. **Recommendation**

6.1 That the objection is noted but that the Three Rivers (30 South Road, Chorleywood) Tree Preservation Order 2015 is confirmed without modification.

Report prepared by: Terence Flynn, Landscape Officer

Background Papers

- TPO846 file

