

PLANNING COMMITTEE – 23 SEPTEMBER 2021

PART I - DELEGATED

5. Consideration of objections and confirmation of Tree Preservation Order 923 (MANOR HOUSE, ABBOTS LANGLEY) 2020.

1. Summary

- 1.1 The purpose of this report is to consider objections to the confirmation of TPO 923 (Manor House, Abbots Langley) served on the 17 June 2021 and consider whether the TPO should be confirmed (made permanent).
- 1.2 The officer recommendation is that the Order should be confirmed.
- 1.3 If the Order is not confirmed, the TPO will lapse on the 17 November 2021, and the trees will cease to be protected by TPO.

2. Details

- 2.1 Three Rivers District Council (TRDC) made TPO 923 on the 17 June 2021. The order was served on a provisional basis to protect trees T1 (Sycamore) and T2 (Sycamore), see Appendix 1.
- 2.2 The TPO was served in response to concerns raised by the trees owners, Abbots Langley Parish Council. The Parish Council have become aware that residential properties on Standfield may be able to extend their boundaries, so that they are directly bordering the Manor House Grounds.
- 2.3 Two Sycamore trees within the Grounds would then be directly on the boundary line. As a result the neighbouring properties would have the Common Law right to prune back any overhanging branches to the new boundary (Appendix 2).
- 2.4 A visual inspection of the trees was made by a TRDC Tree officer on the 16 June 2021. The two trees, mature Sycamores, have good form and appear to be in good health and condition albeit with a small amount of minor deadwood within the crowns, but which is not unusual for trees of this size and age.
- 2.5 It was concluded that extending the garden boundaries would create the right for neighbours to severely cut back the lateral limbs of the trees, to the main stem. This could be damaging to the visual amenity value of the trees.
- 2.6 In addition, it could create large open wounds on the main stems, which the trees would find difficult to occlude (close up). Such wounds would serve as an entry point for decay and fungi into the main stems, and could lead to the premature decline in the health and condition of the trees.
- 2.7 As a result, the decision was taken to serve a provisional TPO to protect the trees. In response, a total of five objections to the serving of the TPO, have been received.

3. Officer Summary of Objections

- 3.1 The nature of the objections received relate to:

- the safety of the trees;
- protection being unnecessary as the trees are owned by the Parish Council;
- the protection resulting in additional cost to neighbouring residents;
- a lack of consultation prior to the serving of the TPO;
- uncertainty over liability and maintenance of the trees; and
- the trees lack of public amenity value.

4. Officer Response to Objections

- 4.1 The trees were visually inspected by a TRDC Tree officer and appeared to be in good health and condition, with no significant defects or decay observed. The Parish Council has also had the trees inspected for safety by an independent arboricultural consultant.
- 4.2 Due to the garden boundary extensions, a Common Law right would be created that would enable potentially damaging pruning works to be carried out to the trees, without requiring the tree owner's permission.
- 4.3 Applications to carry out works to protected trees are free of charge. The financing of any tree works would need to be agreed between the tree owner and neighbours regardless of whether or not the trees are protected by TPO. An application to remove minor deadwood from one of the trees, overhanging the rear garden of a property on Standfield has already been received and approved (Ref: 21/1768/TPO).
- 4.4 To avoid the risk of pre-emptive felling or pruning works, the Council would not normally provide prior warning of its intention to serve a TPO. TPO's are served on a provisional basis to allow an opportunity for objections, prior to being made permanent.
- 4.5 The owner of the trees, Abbots Langley Parish Council, are responsible for their maintenance, and may be liable if the trees caused damage to neighbouring property.
- 4.6 The trees are a prominent backdrop to the landscape of Standfield, and form part of the publically accessible woodland of Manor House Grounds.

5. Options/Reasons for Recommendation

- 5.1 There are 2 options available to the Committee:
- Option 1 - To confirm the Order and make the TPO permanent.
- Option 2 - Not to confirm the Order, and allow the TPO to lapse.

6. Policy/Budget Reference and Implications

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

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

- 7.1 None specific.

8. Recommendation

- 8.1 The Officer recommendation is that the Order should be confirmed, and TPO923 made permanent

Report prepared by: Alex Laurie (Principal Tree and Landscape Officer)

Background Papers TPO923

Appendix 1 - Photos

Appendix 2 – TPO Plan

Appendix 1. Photos

Photo 1. T1 Sycamore



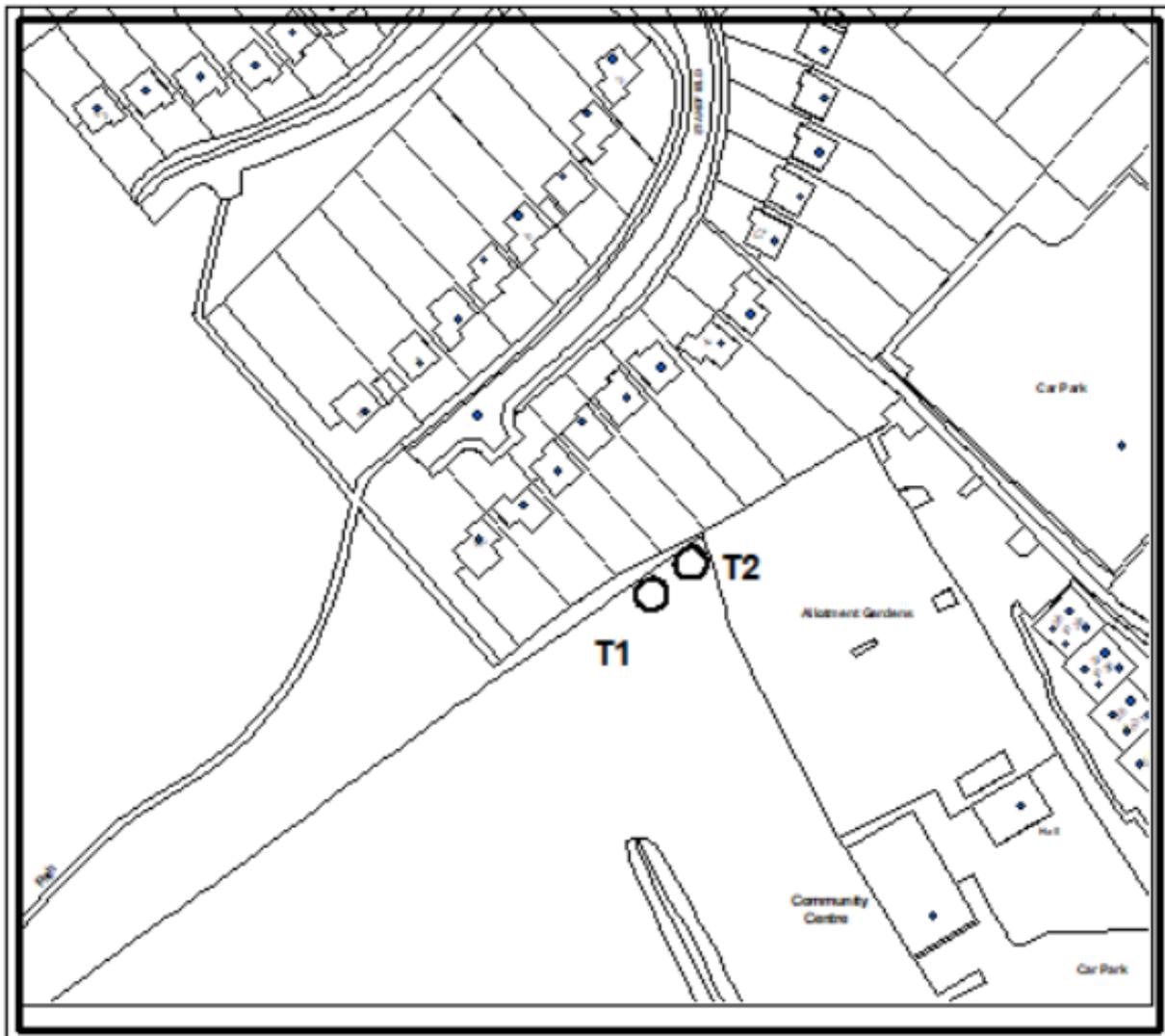
Photo 2. T2 Sycamore



Photo 3. View from Standfield (Google Street View)



Appendix 2 TPO plan.



TPO 923

**Three Rivers (Manor House, Abbots Langley)
Tree Preservation Order 2021**

Date: 17th June 2021 Scale: 1:1250

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