

PLANNING COMMITTEE – 12 MAY 2020

**CONFIRMATION OF TREE PRESERVATION ORDER REF. TPO/0013/2019 – LAND AT 25 GORSEWOOD ROAD, KNAPHILL.**

**Executive Summary**

The purpose of this report is to recommend to the Committee that a Tree Preservation Order be confirmed following the receipt of one letter of objection to the making of the Order. The Tree Preservation Order protects 2 trees including one mature Oak and one mature Beech on land at 25 Gorsewood Road, Knaphill.

**Recommendations**

The Committee is requested to:

**RESOLVE that** Tree Preservation Order Ref. TPO/0013/2019 be confirmed without modification

<b>This Committee has authority to determine the above recommendations.</b>
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**Background Papers:**

Plan from Tree Preservation Order showing location of tree

Letters of objection:

Mr and Mrs Lawrence of 27 Gorsewood Road

**Reporting Officer:**

Thomas James

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**Contact Officer:**

Dave Frye, Arboricultural Officer

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## **Introduction**

A Tree Preservation Order was made on 1<sup>st</sup> November 2019 to protect 2 trees including one mature Oak and one mature Beech on land at 25 Gorsewood Road, Knaphill. (Ref. TPO/00013/2019) (**Appendix 3**).

- 1.1 The plan from the Tree Preservation Order showing the location of the tree is attached at **Appendix 1**.
- 1.2 One objection was received to the making of the Tree Preservation Order. This objection is attached at **Appendix 2**.
- 1.3 Notwithstanding the objection received to the making of the Tree Preservation Order, the recommendation is that it be confirmed without modification.

## **2.0 Background Information**

- 2.1 Further to the Council being notified of the owners intention to move house and that the original TPO was not valid, it was seen as reasonable to protect the trees with an updated TPO to prevent their loss from potential future owners of 25 Gorsewood Road.

## **3.0 Letters of objection**

- 3.1 One letter of objection was received by the Council on the 28th November 2019 from Mr and Mrs Lawrence of 27 Gorsewood Road objecting to the making of the Order on the following grounds.
  - Since moving in to the property in 2008 neither tree has been maintained by the current owner.
  - T2 considerably overhangs the garden which it did not prior to moving in,
  - A consultant tree surgeon has cast doubt on the health of the trees (specifically T2)
  - Concern for the safety of children beneath the trees as large branches have fallen from the trees on a regular basis.
  - The trees take light away from the downstairs during the morning.
  - T1 is growing at an angle and on sloped ground which is felt to become a danger to the bottom neighbours house. A recent tree removal has now exposed T1 further.
  - The lack of maintenance and large size of the trees has already caused significant tensions between neighbours and upset to the family of 27 Gorsewood Road and surrounding neighbouring properties.

## **3.2 The Tree Officer's response to the objections received is as follows:**

- 3.3 It is clear that there is apprehension felt by the neighbours of the property from where the newly protected trees are located. Much of the objection concerns the health of the trees and the overall lack of maintenance carried out to them over the past 12 years. The objection states that a consultant tree surgeon has cast doubt over the health of the trees, however the council has not received any evidence of this position. The council is unable to protect trees which are considered to be dangerous or have an issue which is likely to significantly reduce its long term viability. In this instance there was no identifiable issue with the tree at the time of the site visit by the local authority tree officer. With regards to maintenance, pruning or removal is usually only necessary when there is an issue with the tree that needs resolution. Pruning for the sake of pruning is not considered to be of good practice as it causes permanent damage to the tree and can expose the tree to future pathogens.
- 3.4 The trees are situated on a slight slope which falls away from the property in ownership of the trees. The slope graduates down towards another adjoining property to the rear. The angle and slope is unlikely to be of significant detriment to the tree and is also unlikely to be a principle factor in tree failure.
- 3.5 The issue relating to light not entering the property is not usually considered to be a reason to remove or prune a tree. There is no right to light permitted.

- 3.6 Where trees are protected by a TPO this will not prevent residents from maintaining their trees in an appropriate manner. An application would be required to carry out works to trees unless the council is notified under the 5 day dead and dangerous notification which would then be assessed by the Councils' tree officer. Furthermore the Council's tree officers are available to attend site prior to application to discuss potential works and provide advice on a suitable way forward.
- 3.7 Minor pruning would be considered subject to a formal application.
- 3.8 Under Tree Preservation legislation the trees must have amenity value and that "Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public". In this instance the location of the protected trees makes for a high level of public amenity value and confirms the appropriateness of making a TPO.
- 3.9 The authority must also consider if it is "expedient" to make a TPO. A TPO is considered to be expedient "if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area". Given that the trees were once protected and the owner of the property is moving there is a long term likelihood of the trees being removed or pruned.

#### **4.0 Implications**

##### Financial

- 4.1 None

##### Human Resource/Training and Development

- 4.2 None

##### Environmental/Sustainability

- 4.3 The two trees that have been protected are likely to continue making a significant contribution to the character and amenities of the locality for many years to come. Removal or heavy pruning would have a detrimental impact on public amenity.

#### **5.0 Conclusions**

- 5.1 Given the trees high public amenity value, protection of the trees is considered appropriate and it is recommended that the Tree Preservation Order be confirmed without modification.

REPORT ENDS