

4.1 **Objection to Tree Preservation Order number 05 of 2013**  
**Located at 12 Farnaby Drive, Sevenoaks**

**ITEM FOR DECISION**

This report sets out details of objections received to this order.

**RECOMMENDATION**

That the Tree Preservation Order No 05 of 2013 be confirmed without amendments.

The Site and Background

- 1 Tree Preservation Order (TPO) No. 05 of 2013 relates to an Oak tree situated at 12 Farnaby Drive, Sevenoaks.
- 2 This tree was protected following planning application (SE/13/01836/HOUSE), which would have led to its removal. Situated to the front of the property, it is a prominent specimen that can be seen from the main road and neighbouring properties. Its removal would have a negative impact on the amenity of the local area. TPO 05 was served in order to afford it continued protection.
- 3 It should be pointed out that a tree preservation order currently covers this site, TPO 09 of 1969 an old area order. An application to carry out various tree works was submitted by Down to Earth Trees Ltd (SE/12/02546/WTPO) on behalf of the owners. These works included the removal of this Oak tree. Partial consent was granted but consent to remove the Oak was denied. The owners subsequently appealed against the decision to refuse consent to remove the Oak. The appeal was dismissed. The appeal decision is included as an appendix. Upon receiving the report from Quaife Woodlands to support the planning application, it was discovered that the Oak was not protected by the original TPO. Quaife had aged the tree by taking a Pressler Borer sample from the stem of the Oak, which aged the Oak at approximately 35 years old and so not protected by the original Order. A new Order was therefore served to protect the Oak tree, as it could be removed by the owner irrespective of the outcome of the submitted planning application.

Representations

- 4 An objection to the TPO has been received from Mr and Ms Robinson, the owners of the property together with their Arboricultural Consultant, Quaife Woodlands. Quaife Woodlands offer many grounds of objection which I will attempt to summarise. Their main objection appears to be that the serving of the order was to prevent and frustrate the planning application. They also object on the grounds that the Oak tree was not fully assessed according to the guidance, in a structured and consistent way before the order was served. Quaife also objects on the grounds that the report submitted together with the application was not fully evaluated. They believe that the protection of the Oak tree is unsustainable, in that it is unsuitable for its location due to its potential to attain a considerable size. They also object on the grounds that the Oak is not worthy of protection due to the presence of neighbouring trees and shrubs.
- 5 Another objection has been received from Mr M Kibblewhite of 15 Farnaby Drive, a neighbouring property. Mr Kibblewhite objects to the serving of the order on the

grounds that the serving of this order will allow the Oak to become too large and so damage his drive and falling debris would damage vehicles parked beneath it. The Oak would also block sunlight to his property.

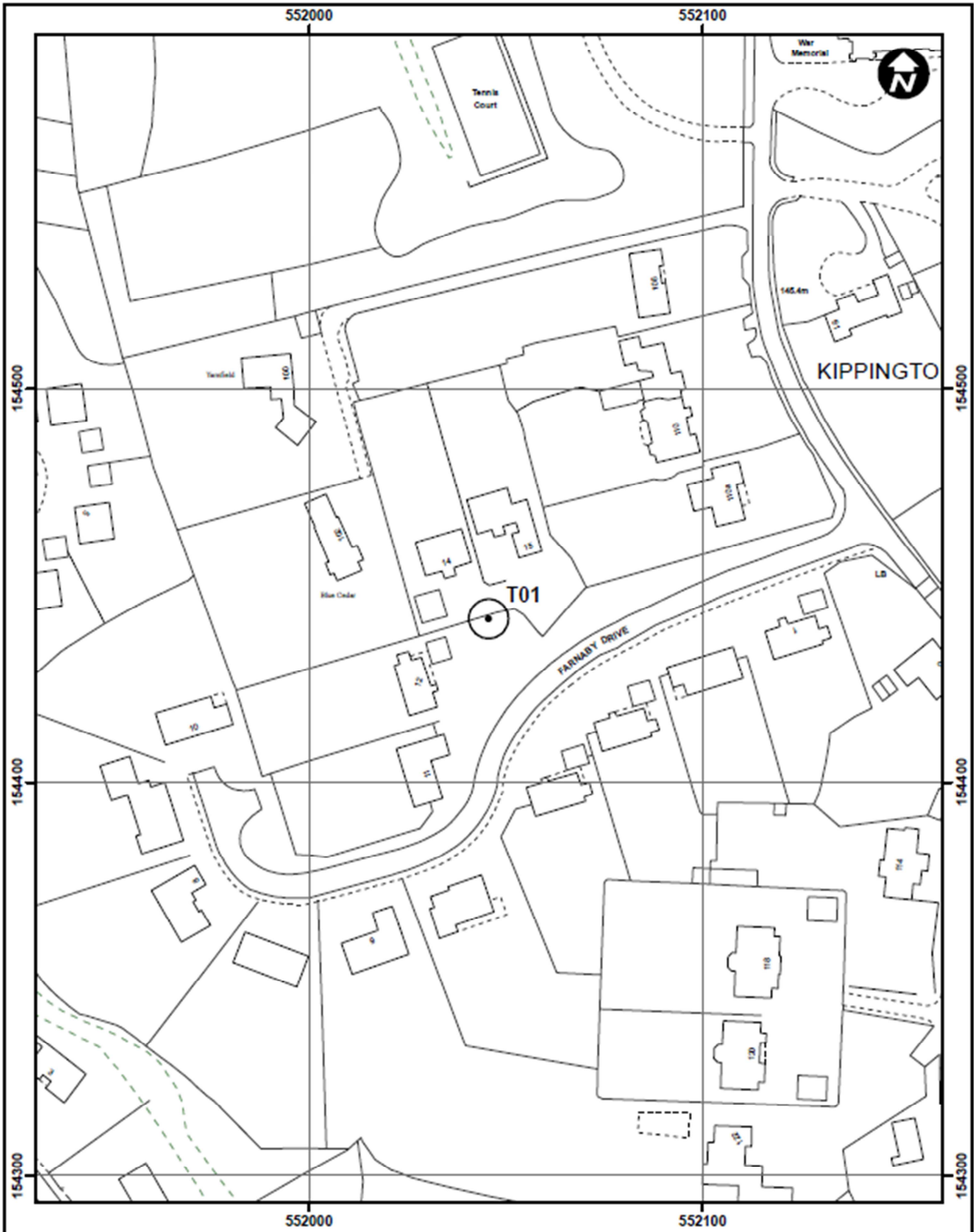
- 6 A further objection has been received from Ms E Hayward of 14 Farnaby Drive, a neighbouring property. Ms Hayward objects to the serving of the order on the grounds that the serving of this order will allow the Oak to become too large and so dominate her house and cast shade.
- 7 In response to the objections, this tree has been inspected on a number of occasions as a result of previous applications, including an application to remove it. Each site visit has resulted in a full assessment of its condition and context within the immediate landscape. With regards to the subject of the report submitted by Quaife Woodlands, this report was indeed read as it brought to our attention the fact that the Oak was younger than the original TPO and so at that time unprotected. With regards to the sustainability of the Oak tree, this tree is not yet of a size to cast shade etc. on the neighbouring properties. It is situated approximately 14.0m from the neighbouring properties and so unlikely to cause problems in the immediate future. Any problems with shade, overhanging branches etc. could be overcome by carrying out a pruning operation. With regards to the presence of neighbouring vegetation, this is not in doubt. Those trees that surround the Oak listed within the survey carried out by Quaife Woodlands are generally of low amenity value (Quaife categorises the majority as grade C). The majority are mature and so one would assume they have a limited life expectancy. The Oak on the other hand is a young tree and has the potential to become of high amenity value. The inspector, who carried out the site visit following the appeal against refusal to fell by SDC, considered that the Oak adds to the landscape quality and visual amenity of the area. He felt that the removal of this tree would have a negative effect on the local landscape amenity. In his report Quaife agrees with the inspector's description of the Oak tree.
- 8 With regards to the objections raised by the owners of the neighbouring properties, this tree is not yet of an age to cast excessive shade or dominate the front of the properties. Should this occur at a future date, this could be overcome by carrying out pruning operations. With regards to the roots of this tree damaging driveways, as the Oak is situated on a higher level, it is unlikely this should occur. Existing mature trees are situated within the same vicinity as the Oak and we are unaware that they have caused similar problems.


## **Conclusion**

- 9 Given the aforementioned information. It is suggested that the details as provided within the objections to this TPO are not strong enough reasoning to leave this prominent tree without any formal protection. It is my recommendation therefore that TPO 05 of 2013 be confirmed without amendments. Please find attached TPO/05/2013 (Appendix 1) and Appeal Decision Report (Appendix 2).

Contact Officer(s): Mr L Jones Arboricultural & Landscape Officer  
Extension 7289

**Richard Morris**  
**Chief Planning Officer**



 <b>Sevenoaks</b> DISTRICT COUNCIL <small>This map is based upon the Ordnance Survey material with the permission of Ordnance Survey in behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.          Sevenoaks District Council, 10/07/2013.</small>	<b>Tree Preservation Order</b>	
	TPO 5 (2013)	Scale: 1:1,250 Date: 09/07/2013
	12 Farnaby Drive, Sevenoaks, KENT, TN13 2LQ	
<small>Produced by the GIS Team, Sevenoaks District Council</small>		

**SCHEDULE 1**

**SPECIFICATION OF TREES**

**Trees specified individually**  
(encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
T1	Oak	Situated on the northern boundary of 12 Farnaby Drive, Sevenoaks.

**Trees specified by reference to an area**  
(within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

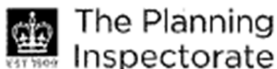
**Groups of trees**  
(within a broken black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

**Woodlands**  
(within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

\* complete if necessary to specify more precisely the position of the trees.



## Appeal Decision

Site visit made on 20 February 2013

By **Brian G. Crane, M Hort, P Dip Arb (RFS), OND Hort, FLS, F Arbor A, MIC For, MI Hort, MEWI, Chartered Arboriculturist**

an Arboricultural Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 MAR 2013

### Appeal Ref: APP/TPO/G2245/2950 12 Farnaby Drive, Sevenoaks, Kent TN13 2LQ

- The appeal is made under Regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
- The appeal is made by Mr L E Robinson against the decision of Sevenoaks District Council.
- The application Ref: SE/HW/12/02546/WTPO dated 26 September 2012, was refused by notice dated 26 October 2012.
- The proposed work is felling.
- The relevant Tree Preservation Order is the County of Kent (Sevenoaks Urban District) (No. 9) Tree Preservation Order 1969, which was confirmed on 26 January 1970.

### Decision

1. The appeal is dismissed.

### Main Issues

2. I consider the main issues in this case to be:-
  - i. The effect of the proposal on the character and amenity of the area.
  - ii. Does the appeal tree present a current and identifiable safety hazard?

### Reasons

The effect of the proposal on the character and amenity of the area.

3. The appeal tree is an English oak (*Quercus robur*) in the early part of its lifecycle. The tree is growing with appropriate vigour for its age and species and I consider it likely to have a safe, useful life expectancy in excess of 50 years. The tree is visible from viewpoints to the northeast and southeast. It acts as part of a screen between the land at No 12 Farnaby Drive and properties to the north. The tree has an unbalanced crown, clearly suppressed by the close presence of a tree to the east in the past. The trunk of the tree leans towards the north by approximately 20 degrees. I noted that some extremely poor pruning on a low branch to the north had resulted in the production of clustered growth at this point. I consider that the tree adds to the landscape quality and visual amenity of the area. Its removal would have a negative effect on local landscape amenity.

<http://www.planningportal.gov.uk/planninginspectorate>

4. It is appropriate in the case of native trees for me to consider the biodiversity potential they offer. The oak is known to act as host to a large number of species, many invertebrate and some subject to Red Data Book Listing. The appeal oak is close to other mature trees and is likely to form part of a 'wildlife corridor' through this part of the development.

Does the appeal tree present a current and identifiable safety hazard?

5. There is a large recently cut stump, apparently of a conifer, at the base of the appeal tree. From the size of this stump, it is likely that the crown of the parent tree was large. This has led to the partial suppression and unbalanced formation of the crown of the appeal oak already noted. I examined the trunk of the appeal tree and saw evidence that there had been some contact between the trunk and the nearby (now removed) conifer. I also saw some evidence of trunk distortion. The evidence of bark or trunk contact or distortion did not appear to me to indicate a threat to the integrity of the trunk wood.
6. The crown is unbalanced with most of the weight towards the north. However, the overall crown weight is comparatively light and I do not believe that this of itself presents an identifiable hazard. In the same way, the trunk lean does not identify the tree as being hazardous. This is because trees adapt to environmental conditions in the formation of their aerial and rooting parts. I saw nothing to indicate that this had not happened in this instance, or that the trunk of the tree was supported (in the past) by the nearby conifer to such a degree that its roots failed to function and develop properly to compensate for the unbalancing of the crown.
7. The oak is comparatively young. Experience indicates that, where a nearby, suppressing tree is removed in such situations, the remaining tree is likely to form a balanced crown in time.
8. The suggestion contained in appeal documentation that the decay of the trunk at the base of the oak would cause the soil to reduce in volume and thereby weaken the whole of the tree on the surrounding soil is mistaken. The roots stabilising the oak against its lean are likely to extend some considerable distance to the south, rather than being located close to the trunk of the tree.

### **Conclusions**

9. The appeal tree contributes to the landscape amenity of the area, although I accept that, currently, its crown shape is unbalanced. I consider that its removal would degrade local visual amenity and biodiversity potential. I saw nothing to indicate that the removal of a nearby tree has rendered the appeal tree unstable. The tree is likely to form a more balanced crown shape in time. For these reasons, I dismiss the appeal.

*B G Crane*

**Arboricultural Inspector**