

7.01 Reference: TPO/11/2011

Objection to Tree Preservation Order number 11 of 2011

Located at Cowden Cross House, Hartfield Road, Cowden

ITEM FOR DECISION

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

RECOMMENDATION:

That the Tree Preservation Order No. 11 of 2011 be confirmed without amendments.

The Site and Background

- 1 Tree Preservation Order (TPO) No. 11 of 2011 relates to a Plane tree and two Oak trees situated at Cowden Cross House, Hartfield Road, Cowden.
- 2 A request was received from the owner of the property that these trees be protected by a preservation order. Their loss would have a negative impact on the amenity of the local area. TPO 11 was served in order to afford them continued protection as they are situated outside of a Conservation Area and were unprotected.

Representations

- 3 An objection to the TPO has been received from Mr and Mrs Parfremment of Saxbys Garden Cottage, Hartfield Road, Cowden who are the immediate neighbours. Mr and Mrs Parfremment object on the grounds that these trees are situated a considerable distance from the highway and so cannot be clearly viewed. Due to the fast moving traffic on this road and a lack of pedestrian traffic, it would not be possible to stop and admire them. In addition to this, they claim that these trees are screened by other vegetation and so cannot be clearly seen from the main road. They claim that the only beneficiaries of these trees are the tree owners and themselves and so their amenity value has been overstated. Mr and Mrs Parfremment also object on the grounds that the proximity of the said trees to their property causes them concern, as they were advised to increase the foundation depth of their extension when it was constructed. They have concerns with regards to structural damage occurring to their property. They also claim that these trees are situated near to the main drainage system which serves their property. They are concerned that the roots could damage this system. Mr and Mrs Parfremment object on the grounds that overhanging branches limit the amount of light their property receives. They claim that over the past 5 years, the canopies of these trees have grown to such an extent that they block natural light entering the house and garden. A further objection concerns the amount of leaves shed by these trees, which they claim restrict the uptake of water

and nutrients by their plants and block the guttering of their property. They have concerns regarding falling debris from these trees hitting their children and pets who play beneath the two Oak trees. Mr and Mrs Parfremment ask who is responsible should any of their children be struck by a falling limb etc. Finally, Mr and Mrs Parfremment object on the grounds that power lines run into their property through the canopy of these trees. An incident occurred previously, whereby the telegraph pole supporting the power lines collapsed. The cause was believed to be tree roots undermining the foundations of the pole. Mr and Mrs Parfremment ask, who is responsible should a similar occurrence take place.

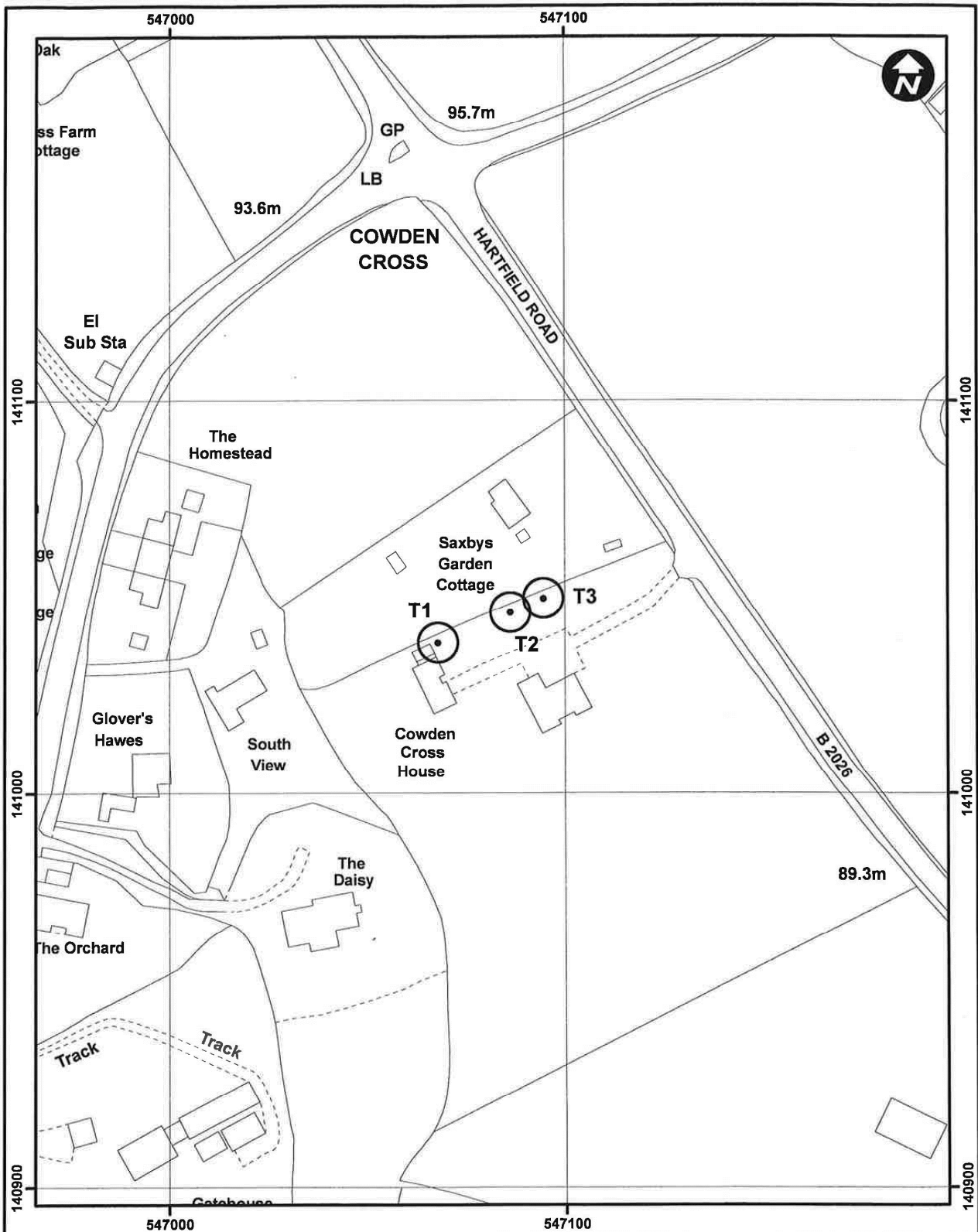
- 4 In response to the objection, the responsibility of these trees lie with the owner. This includes any damage which may occur either above or below ground. With regards to the amenity value of these trees, they are clearly visible when viewed from the junction of Hartfield Road and Station Road. With regards to potential structural damage occurring, this should not be a problem as the objectors point out that the foundations were increased when the extension was constructed. No evidence has been provided to show that these trees pose a threat to the drainage system. The issues regarding overhanging branches, lack of light etc, could be overcome by pruning works. Providing the proposed works are reasonable, an application to prune these trees would be looked upon favourably, although the overhanging lateral limbs of these trees have recently been cut back by the objector.
- 5 The objections to the serving of this order appears to be the constraint it places on the affected parties, with regards to carrying out requested tree works. This could be overcome by the submission of an application to carry out periodic pruning works. These trees are situated in a prominent position. Their removal would be very much noticed and would have a negative affect on the local landscape.

Conclusion

- 6 Given the aforementioned information. It is suggested that the details as provided within the objection to this TPO are not founded. It is my recommendation therefore that TPO 11 of 2011 should be confirmed without amendments. Please find attached TPO/11/2011.

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

Kristen Paterson
Community and Planning Services Director



Sevenoaks
DISTRICT COUNCIL

This map is based upon the Ordnance Survey material with the permission of Ordnance Survey on 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, 100019428, 2011

Tree Preservation Order	
TPO 11 (2011)	Scale: 1:1,250 Date: 13/07/2011
Cowden Cross House, Hartfield Road, Cowden	
<small>Produced by the GIS Team, Sevenoaks District Council</small>	

Development Control Committee - 17 November 2011

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation*</u>
T1	London Plane	Situated on the northern boundary of Cowden Cross House, Hartfield Road, Cowden.
T2	Oak	Situated on the northern boundary of Cowden Cross House, Hartfield Road, Cowden.
T3	Oak	Situated on the northern boundary of Cowden Cross House, Hartfield Road, Cowden.

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

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

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

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

Woodlands
(within a continuous black line on the map)

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

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