

5.1 **Objection to Tree Preservation Order number 15 of 2013**
Located at The Old Mill House, Mallys Place, South Darenth

ITEM FOR DECISION

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

RECOMMENDATION

That the Tree Preservation Order No. 15 of 2013 be confirmed without amendments.

The Site and Background

- 1 Tree Preservation Order (TPO) No. 15 of 2013 relates to a Birch tree situated at The Old Mill House, Mallys Place, South Darenth.
- 2 This tree was protected following a conservation area notification (SE/13/02935/WTCA), to remove it. Situated to the front of the property, it is a prominent specimen that can be seen from the main road and neighbouring dwellings. Its removal would have a negative impact on the amenity of the conservation area that it is growing in. TPO 15 was served in order to afford it continued protection following the aforementioned notification.

Objections

- 3 An objection to the TPO has been received from Mr & Mrs Silvestri of 5 Mallys Place, South Darenth, a neighbouring property. Mr and Mrs Silvestri object to the serving of the order on the grounds that the Birch tree is situated on private land. They also object on the grounds that the tree is situated on the riverbank and so its roots would damage the river and its banks. They also claim that the roots could potentially damage the drive of Mallys Place. They also object on the grounds that when planted, the tree owner gave assurances that the tree was a miniature variety and would not attain a size beyond eye level. They also object on the grounds that the tree affects telephone wires and falling branches are a hazard to users of Mallys Place and Holmesdale Road.
- 4 Another objection has been received from Ms S Thompson of 4 Mallys Place, South Darenth, a neighbouring property. Ms Thompson objects to the serving of the order on the grounds that the Birch tree blocks light to her property. Ms Thompson also objects on the grounds that this tree was not included within the original landscaping scheme when the properties were built. Ms Thompson also objects on the grounds that the roots of this tree would damage the sewage pipe which runs to the front of her and her neighbour's properties. Ms Thompson also objects on the grounds that the tree is situated in an unsuitable location due to the narrowness of the river bank. Ms Thompson also claims that by planting this Birch, the previous owner breached the covenants of the deeds that exist and require all owners to inform each other when changes to the front of the properties take place.

Response to Objections

- 5 In response to the objection raised by Mr & Mrs Silvestri, the ownership of this tree is irrelevant with regards to its amenity value. Regardless of who owns the Birch, its loss would be detrimental to the local amenity. With regards to the tree

growing besides the riverbank, this tree should not pose a threat to the stability of the bank. There are other trees situated besides the river within the vicinity of the Birch. I am unaware of them causing damage to the bank. With regards to the roots of this tree damaging the driveway to Mallys Place, it is impossible to predict whether damage would occur to the drive or not in the near or distant future. If this did occur, the drive could be reinstated and repaired. This also applies to the potential damage to the sewage pipe located to the front of the property. It is impossible to predict whether tree roots may or may not damage pipework in the near or distant future. Normally, roots would not enter pipework unless a defect or fault is present. With regards to the assurances given by the previous owner when the Birch was planted, this is something we as an authority were not party to and so cannot comment on. Whatever the reasoning behind the planting of this tree or whether it has naturally seeded itself, this tree is present and is situated within a prominent position. Its loss would be detrimental to the local area.

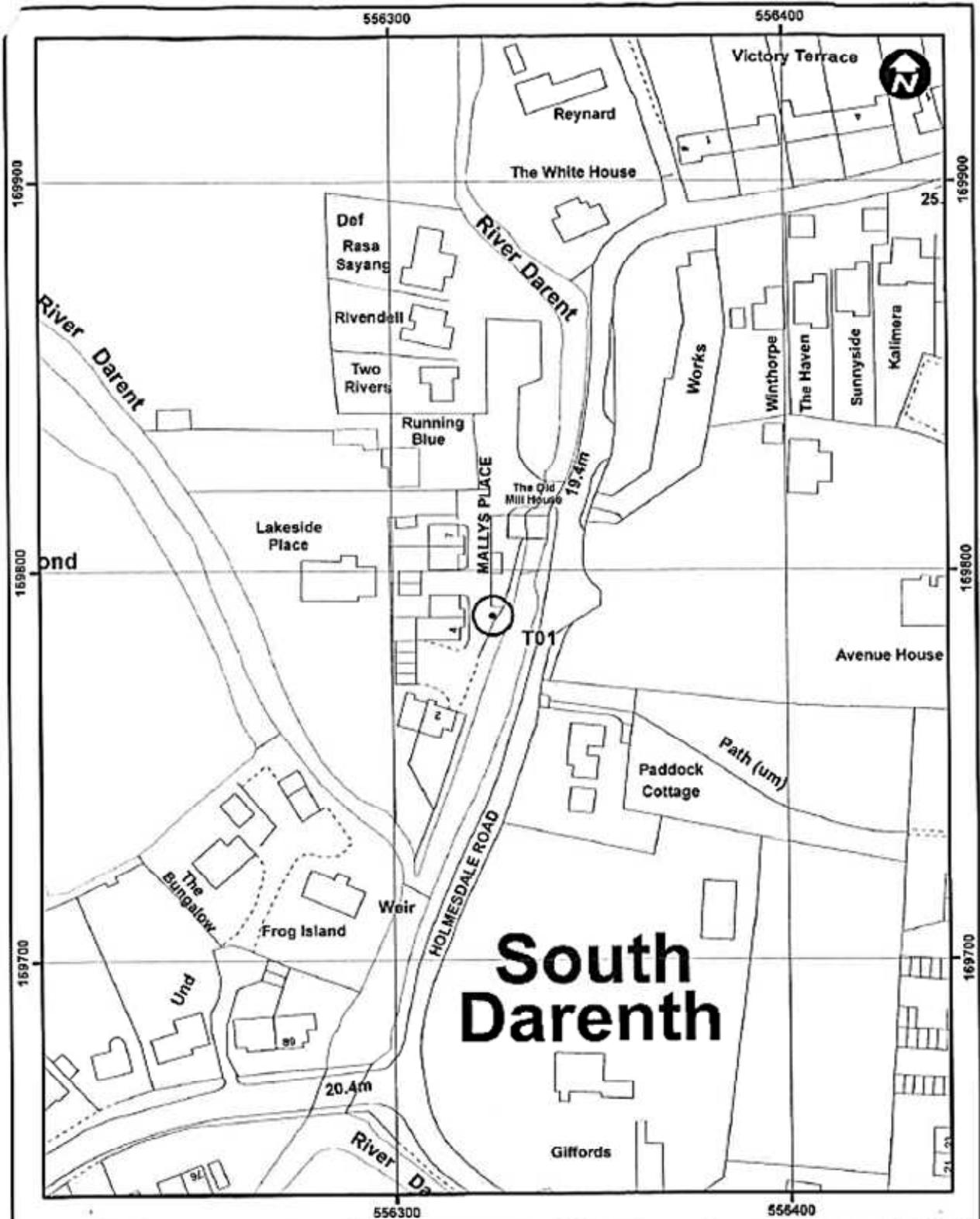
- 6 With regards to the objections raised by Ms Thompson, the problem of the loss of light to the properties could be overcome by carrying out pruning operations on a regular cycle. With regards to this tree not being included within the approved landscaping scheme, this again is immaterial. The Birch is a fairly new addition to the landscape but is now of a size to be considered worthy of retention and therefore protection.

Conclusion

- 6 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 15 of 2013 be confirmed without amendments. Please find attached TPO/15/2013 (Appendix 1).

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

Richard Morris
Chief Planning Officer



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Tree Preservation Order

TPO 15 (2013)

Scale: 1:1,250
Date: 23/10/2013

The Old Mill House, Mallys Place, South Darent, DA4 9HD

Produced by the GIS Team, Sevenoaks District Council

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	Birch	Situated at The Old Mill House, Mallys Place, South Darenth, Kent.

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.