

5.2 **Objection to Tree Preservation Order number 9 of 2014**

Located within the garden of Pilgrims Way Cottage, Pilgrims Way, Otford

ITEM FOR DECISION

This report sets out details of objections and support received following this order.

RECOMMENDATION

That the Tree Preservation Order No 9 of 2014 be confirmed without amendment.

The Site and Background

- 1 Tree Preservation Order (TPO) No 9 of 2014 relates to the protection of one Birch tree (T1) and one Maple tree (T2). The two trees are located adjacent to the far southern boundary of Pilgrims Way Cottage (PWC) in Otford.
- 2 These trees were brought to my attention following a consultation to assess the proposal to construct 2 new detached dwellings within the garden (14/01779/FUL). This application would necessitate the clearing of most of the existing vegetation inclusive of lawns, a vegetable patch, various shrubs, fruit trees and other deciduous trees. Of the aforementioned vegetation losses, it was felt that the loss of the two trees would have been to the detriment of the adjoining residents and the users of the area inclusive of the nearby Public Right of Way (SR54). TPO 9 of 2014 was therefore served to afford them formal protection against removal.

Representations

- 3 To date, five local residents have registered their support for the serving of the TPO, and request that it be made permanent. Varying comments made by the authors of the support letters include, benefits to the environment, Visual amenity enjoyed over many years, enhancement of the rural nature of the village of Otford to list but a few.
- 4 A further two e-mailed letters have been received in support of the serving of the TPO without postal addresses. I only have names and e-mail addresses for these two comments, which mostly mirror the support comments referred to in paragraph three.
- 5 An objection to the TPO has been received from Sylvan Arb, who are arboricultural consultants. This objection has been made on behalf of the owner of PWC. The objection states that *"The trees do not make a significant contribution to local landscape quality and amenity of the area"*. The author of the objection then went on to compare the quality of these two trees with the previously protected Beech tree located in the south western corner. I agree that this tree is superior to the two trees the subject of this TPO. There is however no grading ability of how important a TPO tree is, it is either of the quality to be protected or it is not. It is quite common therefore for some trees to be of better quality than others and all still to be afforded protection by TPO. The visibility of the tree was also referred to given the limited visibility from the nearby footpath. The visibility is limited in some places along the footpath, it is however visible. It is also very visible from various

neighbouring residential properties. This is especially so for the residents of 5 Broughton Road, which is immediately adjacent to the southern boundary of PWC.

- 6 The objector has stated: *"In my view it is without doubt that were the Birch and Maple to be removed overnight the general perception of the treescape within the locality would be unaltered within the minds of residents passing on their general day to day activities"*. I have demonstrated that the trees are visible from various locations around the area inclusive of resident's gardens and the nearby public footpath. In addition to this the aforementioned letters of support for the serving of the order and the requests to make the TPO permanent have voiced very clearly that they would not like to lose these trees. A number have stated that they have enjoyed the visual aspects of these trees over a number of years. The objector has also queried the expediency of serving the order. Planning practice guidance on this matter states; "In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order". Both of the trees referred to within this order were shown to be removed to accommodate the aforementioned development. The amenity of the trees has been demonstrated as existing from various viewpoints within the neighbourhood. It is therefore considered that the TPO is justified and expedient.

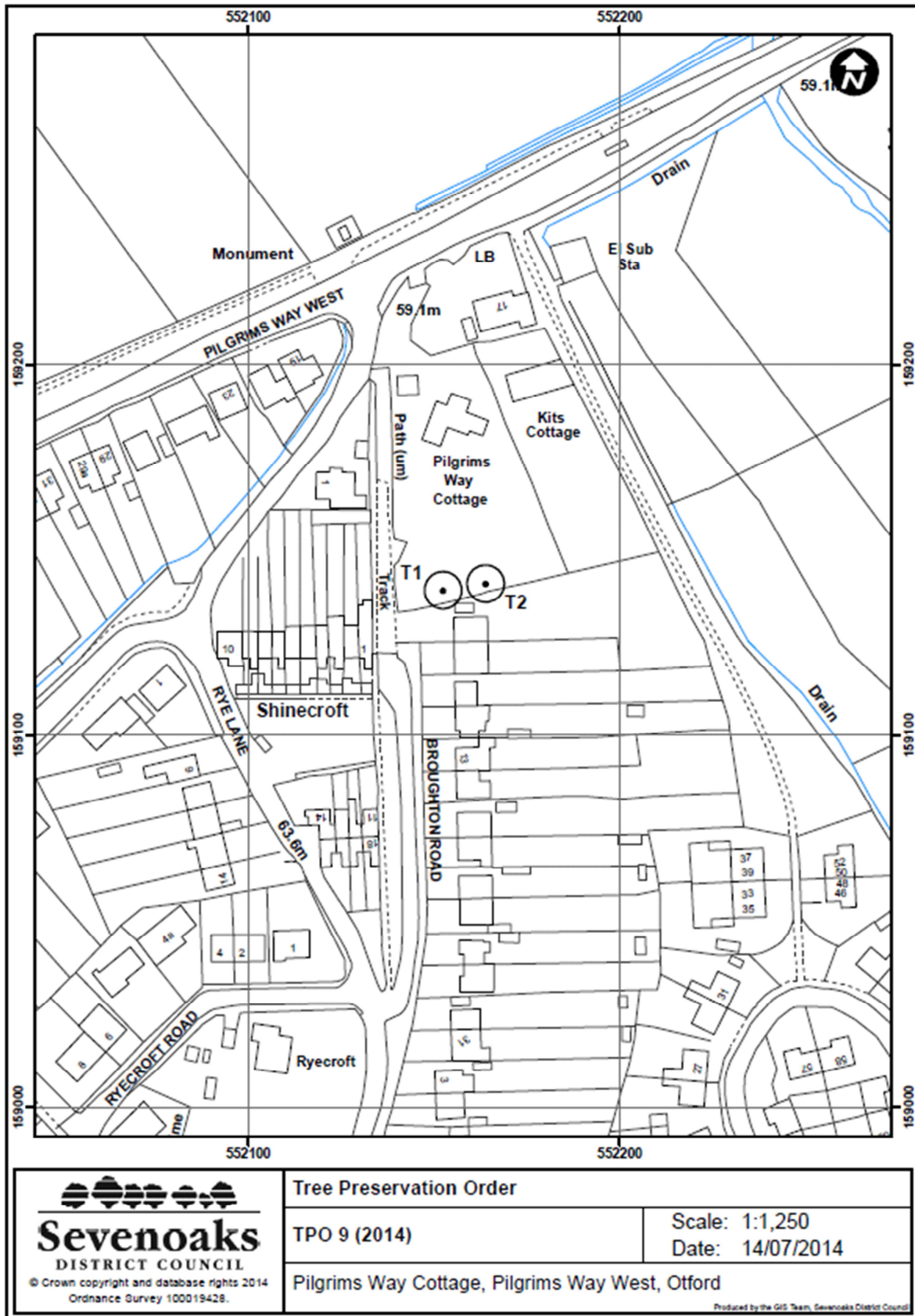
Conclusion

- 7 A clear threat to trees, that it has been demonstrated are of a suitable quality to ensure their retention, has been identified. Local support for the confirmation of the order has been received from several local residents. It is therefore my recommendation that this order be confirmed without amendment.

Please find attached TPO/9/2014 (Appendix 1).

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

Richard Morris
Chief Planning Officer



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 on the southern boundary of Pilgrims Way Cottage, Pilgrims Way West, <u>Oxford</u> .
T2	Maple	Situated on the southern boundary of Pilgrims Way Cottage, Pilgrims Way West, <u>Oxford</u> .

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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	