

5.1 - TPO 1 of 2020                      Objection to Tree Preservation Order Number 1 of 2020

PROPOSAL:                                      TPO 1 of 2020 was served to protect a large mature Oak tree.

LOCATION:                                         Situated to the front of Aston House and Woodys, Highland Road, Badgers Mount.

WARD(S):                                         Halstead, Knockholt and Badgers Mount.

**ITEM FOR DECISION**

The application is referred to committee following an objection to TPO 1 of 2020.

RECOMMENDATION: That TPO 1 of 2020 is confirmed without amendment.

**Description of Site**

1        Aston House is a relatively new build having received consent for a detached house with integral garage in 2006. The rear or western aspect of the property faces the A224. The frontage or eastern aspect faces onto Highland Road. The mature Oak tree is situated to the front of Aston House adjacent to the boundary with Woodys, a detached property to the south of Aston House.

**Policies**

- 2        National Planning Policy Framework (NPPF)
- 3        National Planning Policy Guidance (NPPG).

**Constraints**

- 4        The following constraints apply:
  - Kent Downs AONB.
  - TPO 01 of 2020.
  - Central North Downs Biodiversity Opportunity Area.
  - Adjacent to Green Belt (Starting along the boundary between the curtilage and the road.)
  - Adjacent to Public Right of Way (PROW) SR740

## **Amenity Value and Visibility of the Oak tree**

- 5 The mature Oak tree is situated to the front of the property. It can be seen from Highland Road in both directions by users of the road and in addition PROW SR740 runs along the length of Highland Road. The tree appears to be in a sound and healthy condition and is expected to flourish for at least the next twenty years. The serving of this TPO would prevent its removal, thus preserving its future amenity value.

## **Representations**

- 6 An objection has been received to the serving of TPO 01 of 2020. The objector is Mr Prall of Woodys, Highland Road, Badgers Mount. Woodys is the neighbouring property to Aston House. The Oak tree is situated outside of this property.
- 7 Mr Prall objects on the grounds that the Oak tree is of limited amenity value as in his opinion, it can barely be seen when viewed from the Orpington Bypass. He also states that the loss of the Oak tree would not be noted due to the protected woodland behind it.
- 8 Mr Prall claims that Kent Highways have recently felled a dead tree to the rear of Badgers Oak (a neighbouring property) and planted several new trees along the Orpington Bypass to the rear. He consider that this a more sensible way for to improve the local amenity.
- 9 Mr Prall claims that Woodys was built in 2001 using deep foundations, which have probably damaged the roots of the Oak tree. He believes that the development of Badgers Oak will probably have resulted in irreversible damage to the Oak tree. He claims that the Oak tree is decayed as it sheds leaves during the winter not during the autumn like most broadleaved trees.
- 10 Mr Prall recommends that this tree is removed and subsequently replaced, as this is good tree management.

## **Appraisal**

### **Consideration of Objections**

- 11 TPO 1 of 2020 was served to prevent the felling of the Oak tree taking place. Its removal would have been detrimental to the local amenity. Protecting this tree with a TPO, does not mean that works may not be carried out in the future, but there would be control over the extent of any future pruning works.
- 12 As we believed the tree to be under imminent threat, the TPO was served quickly as any delay in the serving of the order could have resulted in the loss of this Oak tree.

- 13 At the time of the serving of the order, this tree appeared to be in a sound and healthy condition. A more recent inspection in July 2020 was carried out when the tree was in full leaf. It appeared to be in good condition with no visible external signs of decay and had good extension growth, and was a good mature specimen. This visit did not highlight any issues with regards to its long term health and therefore there is also unlikely to be any serious root damage caused by alleged local construction works. We have not received any evidence to the contrary.
- 14 In terms of amenity value, the tree may not be visible when viewed from the Orpington Bypass. It can clearly be seen when viewed from the Memorial Hall car park or when travelling in the opposite direction, and from Highland Road itself, which is a Public Right of Way. Although a woodland is located to the rear of this tree, the loss of the Oak tree would be noted as it is a stand alone specimen and would have a negative effect on the local amenity.
- 15 The removal and subsequent replacement of dead or dying trees is considered to be sensible tree management, at the time of the serving of the order, this tree was not considered to be in decline. Any replacement planting would take several years to become established. A mature tree is of greater benefit to wildlife than a young replacement.

#### **Expediency of Preserving the Oak tree.**

- 16 The Oak tree is prominent within its setting. The loss of this tree would be detrimental to the local amenity. The serving of this order would retain this tree and control would be exerted on the extent of any future pruning works to it.

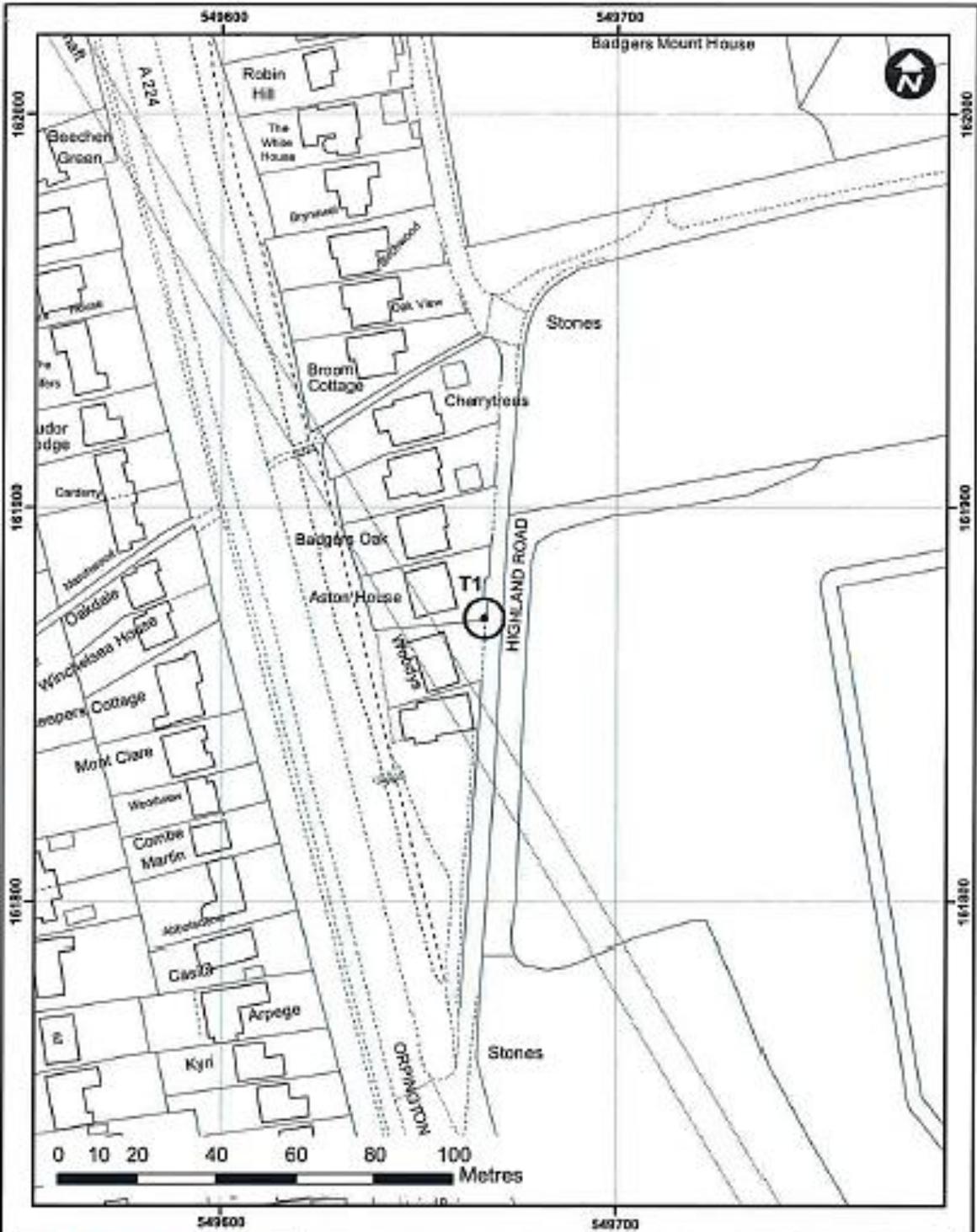
#### **Conclusion**

Recommendation: that TPO 1 of 2020 be confirmed without amendment.

TPO Plan and Schedule 1 attached as (Appendix 1).

Contact Officer(s): Les Jones - Contact: 01732 227000

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



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	<b>TPO 1 (2020)</b>	<b>Scale: 1:1,250</b> <b>Date: February 2020</b>
	<b>Frontage boundary of Aston House and Woodys</b>	

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	Oak	Located to the frontage of Aston House and Woodys, Highland Road, Badgers Mount, 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.