

## 5.1 - TPO 9 OF 2021

**OBJECTION TO THE SERVING OF TPO 9 of 2021:**

TPO 9 of 2021 was served in response to a request from a local tree surgeon who had concerns that the owner of the adjacent property may have this tree removed or drastically cut back from the rear garden.

**LOCATION:**

Situated to the east of 40 Westerham Road, Bessels Green, within a grass verge.

**WARD(S):**

Brasted, Chevening And Sundridge.

### **ITEM FOR DECISION**

TPO 9 of 2021 has been served in response to a report that the Beech tree situated on the property boundary, may be drastically pruned or felled by the neighbour. The Beech tree is situated beyond the eastern boundary of 40 Western Road, Bessels Green and is in the ownership of The Paddock, 1 Packhorse Road, Bessels Green. This tree has previously been pruned.

**RECOMMENDATION:** That TPO 9 of 2021 is CONFIRMED WITHOUT AMENDMENT.

### **Description of Site**

- 1 The Beech tree is situated on a grass verge and is located just beyond the eastern boundary of 40 Westerham Road, Bessels Green. The tree is owned by The Paddock, 1 Packhorse Road, Bessels Green which is sited on the opposite side of the road.

### **Policies**

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

### **Constraints**

- 4 The following constraints apply:
  - TPO 9 of 2021

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

- 5 The Beech tree is situated on a grass verge beyond the entrance to Packhorse Road. It can be seen from the entrance to Packhorse Road and is prominent from public vantage points. It appears to be in a sound and healthy condition and so offers high amenity value to the local area. The serving of this TPO would prevent its removal, thus preserving its amenity value.

## Representations

- 6 An objection has been received to the serving of TPO 09 of 2021. The objectors are Mr Chris Palmer and Ms Karyn Palmer of 40 Westerham Road, Bessels Green.
- 7 Mr & Ms Palmer object on the grounds that the protected Beech tree is a nuisance in that it overhangs their property boundary by 4-5.0m and has damaged their pool patio. They have attached a copy of an invoice to their objection for services to clean their patio from stains caused by falling leaves and beech nuts. They claim that this damage will occur annually unless the Beech tree is regularly pruned. They also claim that it would be impractical to cover the patio area to prevent leaf fall etc.
- 8 Mr & Ms Palmer claim that the tree is not at threat from removal as they have been in regular contact with the tree owner with regards to past pruning works. This tree has been pruned in 2020 and 2021. They state that at no point did they take it upon themselves to cutback any overhanging branches back to the boundary as is their right under common law.
- 9 Mr & Ms Palmer claim that the Beech tree is of limited amenity value as it is situated within a private road with few visitors and so has limited visibility. Therefore, it is of limited amenity value. As other trees are located by the entrance to Packhorse Road, the amenity value of the Beech tree is rather diminished.
- 10 Mr & Ms Palmer therefore conclude that in light of the above comments, it is unclear how the Beech tree improves the amenity of the local area.

## Appraisal

### Consideration of Objections

- 11 TPO 9 of 2021 was served to prevent the felling or drastic pruning of the Beech tree from taking place. It was felt that its removal of the tree would be detrimental to the local amenity. By protecting this tree with a TPO, does not necessarily mean that works may not be carried out in the future, but that control could be exerted to the extent of any future pruning works.
- 12 With regards to the tree being a nuisance, this may be the case. However, this could be overcome by regular sensible pruning and by regular maintenance. Falling leaves, seeds and nuts are seasonal and only occur at limited times during the season. Removing them as they fall would limit any damage that could occur to the objector's property.
- 13 With regards to the tree not being at threat of removal or extreme pruning, this may be true for the time being. However, circumstances may change such as a change in ownership. Any new owner may wish to remove any overhanging branches back to the property boundary. The serving of this order will protect the Beech tree and so prevent any unnecessary works being carried out to it in the future.

- 14 With regards to the lack of amenity value, this tree can be seen from the front of the property from the green opposite and from within Packhorse Road. Although Packhorse Road is a private road, residents and their visitors will be able to view this tree as they enter and exit Packhorse Road via this entrance. It is considered to be of high amenity value and its loss would be noted and would have a negative effect on the local amenity.
- 15 The loss of the Beech tree would be detrimental to the local amenity.

#### **Expediency of Preserving the Beech tree**

- 16 The Beech 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**

- 17 It is therefore my recommendation that TPO 9 of 2021 be confirmed without amendment.


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

Contact Officer

Harry Walker 01732 227000

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



 <p>© Crown copyright and database rights 2021 Ordnance Survey 100019428</p>	Tree Preservation Order (TPO)	
	TPO 9 (2021)	Scale: 1:1,250 @ A4 Date: December 2021
	40 Westerham Road, Bessels Green, Kent, TN13 2PZ	

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	Beech	Situated to the east of 40 Westerham Road, Bessels Green, 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.