

NNDC (NORTH WALSHAM) 2022 No.6 Land East of 19 Rosewood and West of 6 Valley Gardens
TPO/22/0995

To consider whether to confirm a Tree Preservation Order (TPO) to protect 1 Oak tree at above site.

BACKGROUND

Officers were contacted by email raising concerns about arrangements being made to remove the mature Oak tree at the rear of 6 Valley Gardens. The email set out concerns about a healthy, mature tree being removed rather than managed.

The Tree officer made some initial checks on the visibility and condition of the crown from the street and served the provisional Order to allow a closer inspection.

The tree is the last remaining tree situated on an old field boundary and is an historic relic of a much older landscape. A mature tree to the rear of 8 Valley Gardens was removed recently and was found to be decayed, a tree at the rear of number 2 was heavily reduced. This tree has since died.

The tree was retained on a strip of land that remained between properties at Valley Gardens, when built out in the early '80's. The neighbouring properties at Rosewood was built in the '90's. The tree's estimated age is between 150-200 yrs old.

Trees of this age and size support a wide range of wildlife and this adds to the biodiversity value of the area, the tree is visible from several places locally contributing positively to the amenity of the area, it is important to retain and protect.

REPRESENTATIONS

Objections to the Order – 3 letters have been received objecting to the Order.

Summary of Representations of Objection	Officer response
The tree is very large, it is unmanageable in a small garden	<i>Its size and maturity make it an important tree to retain.</i>

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<p>The tree has outgrown its surroundings</p> <p>The houses are too close to the tree.</p> <p>The tree is overhanging a number of gardens, concerned about falling branches</p>	<p><i>The houses have been built close to the tree. The tree is large, the gardens relatively small.</i></p> <p><i>The properties at Valley Gardens were built out in the early '80's the properties at Rosewood the early '90's, the estimated age of the tree is between 150-200 yrs old.</i></p>
<p>Concerned the tree will fall in windy weather, branches, twigs, acorns damage property.</p> <p>If the tree falls there could be serious injury and damage</p> <p>Concerned about risk of falling debris injuring people.</p> <p>NNDC have not gathered evidence or completed a risk assessment.</p> <p>H&S concerns outweigh the TPO.</p> <p>The tree makes no contribution to amenity, it only poses a risk.</p>	<p><i>A full inspection of the tree was carried out on 19 October 2022, there are no indications the tree is about to fall or break apart.</i></p> <p><i>It was noted there were small amounts of deadwood and small diameter broken branch observed over garden to the north. It is normal for a tree of this age and species to have small diameter deadwood.</i></p> <p><i>The removal of dead wood and the broken branches is exempt from the normal requirements to apply, this work can be carried out at any time.</i></p> <p><i>Pruning work could be appropriate and mitigate some of the issues described.</i></p> <p><i>If, in the future the condition of the tree changes and a valid arboricultural reason is given for removal of the tree permission may be granted.</i></p>
<p>Concerned about the condition of the tree, a tree removed at no.8 was decayed and a tree has died at no. 2</p>	<p><i>A full inspection of the tree was carried out on 19 October 2022.</i></p> <p><i>Trees are living organisms that grow, mature and die, each tree is an individual and must be evaluated on a case-by-case basis.</i></p> <p><i>The Order will encourage good management of the tree and prevent inappropriate works being undertaken, like heavy reduction work.</i></p>

Summary of Representations of Objection	Officer response
<p>Replacement trees would be more manageable, The debris blocks gutters and drains.</p> <p>Permission should be granted to remove the tree and replacement trees planted.</p> <p>Acorns can harm dogs.</p>	<p><i>Any replacement trees would take many years to reach the size and maturity of the oak tree.</i></p> <p><i>The council encourages tree planting wherever appropriate to do so, we support new trees being planted. There is nothing stopping new trees being planted either side of the oak tree.</i></p> <p><i>Clearing drains and gutters is considered general household maintenance and not a valid reason to remove mature trees.</i></p>
<p>The information on the Order appears to be incorrect and invalid.</p>	<p><i>The legislation does not require authorities to plot trees with pinpoint accuracy. The circle indicating the canopy on the TPO document is in the correct position and as the only live oak tree left now in the location.</i></p> <p><i>As the only oak tree left now in the location, we consider the map accurate enough to protect the correct tree.</i></p> <p><i>The LPA uses land registry mapping information which clearly shows a parcel of land between the properties.</i></p> <p><i>As a provisional Order the consultation period allows us time to assess all submitted additional information before the Order is confirmed.</i></p>
<p>Whoever owns the tree should maintain it</p>	<p><i>A TPO does not prevent appropriate management of the tree.</i></p> <p><i>The owner of the tree is responsible for its maintenance.</i></p>
<p>Concerns raised about the potential risk to damage to</p>	<p><i>It is very unlikely subsidence related issues will occur, tree related subsidence occurs</i></p>

Summary of Representations of Objection	Officer response
foundations of buildings.	<p><i>primarily on high plasticity clay soils and poor-quality foundations.</i></p> <p><i>The more modern building standards that the homes at Rosewood and Valley Gds have, coupled with being located on different soil type means damage is very unlikely.</i></p>

HUMAN RIGHTS IMPLICATIONS

It is considered that the serving of the Order may raise issues relevant to Article 8: The right to respect for private and family life, and Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's human rights, and the general interest of the public, it is anticipated that the confirmation of this Order would be proportionate, justified and in accordance with planning law

MAIN ISSUES FOR CONSIDERATION

- 1. Whether or not the Order was served correctly in accordance with the relevant legislation and the Council's adopted policy.**

Officers are satisfied that the proper procedures were followed when serving the Order.

- 2. Whether or not the Order has been served on trees of sufficient amenity value to warrant a Preservation Order.**

Officers consider that the oak tree makes a significant contribution to the quality of the local environment and biodiversity value of the area, it contributes positively to public amenity.

RECOMMENDATION:-

That the Order be confirmed.

Officer: Imogen Mole - Senior Landscape Officer

