

**NNDC (SHERINGHAM) 2023 No. 17 - Land At 23 Holt Road TPO/23/1017**

**To consider whether to confirm a Tree Preservation Order (TPO) to protect 2 sycamore trees at the above site.**

**BACKGROUND**

A tree work application was received to remove two sycamore trees at the above address. The two trees were assessed and evaluated as a significant feature of the local area and a prominent in Holt Road, and Uplands Park, Sheringham.

The two sycamore trees are situated either side of the site entrance to 23 Holt Road, off Uplands Park. Planning application PF/23/0633 (*Two storey rear extension and first floor extension*) has been approved and which set out that the trees would be retained throughout the proposals, though no formal tree protection measures were secured by condition.

The application to remove the trees was subsequently received by the authority the reason given was to allow better access to the property and to gain more light.

**REPRESENTATIONS**

**Objections to the Order:** Two letters have been received objecting to the Order.

**Support of the Order:** None

<b>Summary of Objections</b>	<b>Officer response</b>
The significant and positive contribution is vague. The size of the trees is excessive.	<p><i>The trees have been assessed using an industry standard process (TEMPO), the trees scored highly because of their condition, retention span, public visibility and threat to the trees, in this instance the trees definitely merit a TPO.</i></p> <p><i>A TPO does not prevent work, acceptable pruning work was discussed with the owners.</i></p>

<p>There is honey fungus in the garden and this could affect the trees</p>	<p><i>There is no evidence the sycamore trees are infected with Honey Fungus.</i></p> <p><i>The condition of trees can change over time though and should evidence of Honey fungus or other disease or decay establish in the trees we can revisit.</i></p>
<p>Our neighbour objects to the trees as they cast shade in their property.</p>	<p><i>The trees were assessed from the neighbouring property, the trees were not found to be overhanging the boundary and there was adequate space between the garden and the trees.</i></p> <p><i>Some pruning work proposed by the owner could reduce the amount of shade cast by the trees.</i></p>
<p>Concerns around liability, branches could fall, pedestrians may fall on leaves or from aphid sap (making path slippery).</p>	<p><i>'Common Sense Risk Management of Trees' sets out what is reasonable for a tree owner in terms of liability and responsibilities.</i></p> <p><i>The owners have already demonstrated they are not negligent through engaging with arboricultural professionals.</i></p>
<p>Branches obstruct the footway</p>	<p><i>Some acceptable pruning work has been discussed, this includes removing some of the lower canopy over the footway.</i></p>

<p>Planning application was approved to extend the property, no TPO was in place at the time and we consider the trees may reduce light to the new windows.</p>	<p><i>A TPO can be served at any time. The application submitted as part of the planning application (PF/23/0633) sets out there are trees on site but that no trees would need to be removed or pruned to carry out the proposal.</i></p> <p><i>Some protection measures would be appropriate, advice on what these could look like have been given.</i></p>
<p>The trees are too big, block out my light, are oppressive and affect my mental health</p>	<p><i>The trees were assessed from the property this representation was made, the trees were not found to be overhanging the boundary and there was adequate space between the garden and the trees.</i></p> <p><i>Some pruning work proposed by the owner could reduce the affect of the trees.</i></p>
<p>The leaves have ugly black spots, they fall in autumn and make the path dangerous.</p>	<p><i>The leaf spot (Rhytisma acerinum) does not affect the overall health of the tree, there are no control methods for this superficial fungal infection other than autumn leaf clearance. This can help reduce material that can reinfect the tree.</i></p> <p><i>Seasonal events such as autumn leaf fall is not something we consider as a valid reason to remove a tree.</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 two Sycamore trees at 23 Holt Road, Sheringham make a significant positive contribution to the quality of the local environment and its enjoyment by the wider public and that therefore the two trees have high amenity value.

## **RECOMMENDATION:-**

**That the Order be confirmed with modification.**

**Officer:** Imogen Mole - Senior Landscape Officer