

## Agenda Item



**Name of Meeting: Development Control**

**Date of Meeting: 2<sup>nd</sup> August 2005**

**Report Reference: Tree Preservation Order ref. TPO 10/2005 Rest Harrow, Strawberry Hill, Lympstone**

**Report Title: Consideration of whether to confirm a Tree Preservation Order at Rest Harrow, Strawberry Hill, Lympstone**

### Summary

A Tree Preservation Order was made to protect a mature Turkey oak tree at Rest Harrow on 31<sup>st</sup> March 2005, following a request to protect the tree from a local resident. The tree was surveyed by the Tree Officer in accordance with usual procedures and the making of an Order was considered appropriate in the interests of public amenity.

An objection to the making of the Order was received during the statutory 28 day period for objections. The objection was from the owner of the tree.

It is now for the Council to make a decision as to whether it will be appropriate to confirm the Order.

### Recommendation

**The Tree Preservation Order be confirmed.**

#### a) Reasons for Recommendation

The tree is a notable mature specimen of over 20m in height, situated at the front of the property. It is healthy and attractive and is a significant feature in the local landscape. The local resident who requested that the tree be protected felt that it could be under threat and protection of this tree is considered appropriate.

#### b) Alternative Options

The alternative to the recommended action would be to not confirm the Tree Preservation Order.

#### c) Risk Considerations

There are not perceived to be any particular risks associated with protection of the tree in this instance.

### Main Body of Report

#### Details of the tree protected by the Tree Preservation Order:

The tree in question is a notable mature Turkey oak of over 20m in height, situated in a prominent location at the front of the property. It has a diameter at breast height (dbh) of approximately 1m and a mean crown spread radius in the region of 10m. It is leaning slightly, but not to an extent which

presents any particular cause for concern on safety grounds. It has a good crown structure and is likely to have a long continued life expectancy.

**Summary of the objections made in the letter of representation received: A copy of this letter is within the Tree Preservation Order file which is available for inspection as a background document (i).**

- The owner would like to remove the tree
- Some outer branches are dying and branches threaten adjacent power and telephone cables
- The tree blocks light to the property
- The tree would cause damage if it came down in high winds
- The embankment upon which the tree is growing is contributing to ingress of moisture into the house. Removal of the tree would facilitate removal of part of this embankment and ameliorate the problems being experienced.
- In autumn falling leaves block the drains
- The owner may wish to submit a planning application to build another house at the property

**Comments on the objections received:**

Whilst various reasons are given for objecting to the Order, it is not considered that any present justification for the Order not to be confirmed. Inconveniences such as blocking of light and falling leaves are borne by all tree owners and it is not felt that the problems being experienced are particularly severe in this instance.

There is no indication that the tree is unacceptably hazardous or that significant problems are being experienced with adjacent cables. No supporting evidence to suggest that the tree is contributing to damp problems has been provided and if the owner would like to submit a planning application to erect a new dwelling at the property, the impact upon the tree could be assessed by the Council at the time.

The owner has confirmed in his letter that he would like to remove the tree and this in itself provides clear evidence to the Council that it is under threat. It appears highly likely that the tree would be removed if the Order is not confirmed. Overall, confirmation of the Order is considered appropriate to ensure that the tree is retained.

---

**Legal Implications:**

The Tree Officer's comments are to be supported. TPO to be confirmed.

**Financial Implications:**

There are no financial implications.

**Consultation on Reports to the Executive**

Not applicable.

**Background Documents:**

- (i) TPO file ref. TPO 10/2005