

AGENDA ITEM NO: 8/4(b)

Parish:	Downham Market	
Purpose of report:	TO CONSIDER WHETHER TREE PRESERVATION ORDER 2/TPO/00576 SHOULD BE CONFIRMED, MODIFIED OR NOT CONFIRMED IN THE LIGHT OF OBJECTIONS	
Location:	6 Admiralty Close Downham Market Norfolk PE38 9SP	
Case No:	2/TPO/00576	
Grid Ref:	560810 302874	Date of service of Order: 27 June 2018

RECOMMENDATION - CONFIRM ORDER WITHOUT MODIFICATION

THE SITE

The Oak tree (T1) is growing in the rear garden of 6 Admiralty Close, Downham Market. This mature Oak can be clearly seen along Admiralty Close, Hamilton Way, sections of Nile Close and sections of Trafalgar Road.

LDF CORE STRATEGY POLICIES

C12 - Environmental Assets

REASON FOR MAKING THE TREE PRESERVATION ORDER

We were contacted by concerned individuals, and both were of the opinion that the Oak was a fine specimen that should be preserved. It was also alleged that neighbouring properties would like to see the tree heavily pruned, which, in their opinion, would result in the loss of amenity. A site visit was carried out and it was found that this Oak has significant amenity value and, in light of the property/land being sold, a TPO should be served to protect the Oak now and into the future.

OUTLINE OF OBJECTIONS AND REPRESENTATIONS

Two objection letters were received from neighbouring properties on Trafalgar Road. A summary of the objections are outlined below:

1. Branches growing excessively over the boundaries of neighbouring properties, legally these could have been trimmed, but why should the cost be borne by neighbours?
2. By mid-afternoon the gardens are in complete shade. The height of the tree is considerably more than the distance from rear entrances.
3. Should the tree fall, or any significant branch fail, it could cause considerable damage to property, in the event of the whole tree falling it would demolish properties.
4. Roots from the tree could endanger the drainage and foundations of the properties.
5. Falling debris, leaves, acorns, twigs etc., are a constant nuisance and extra cost.

Two letters of support were received; these are appended at the end of the report.

RESPONSE TO OBJECTIONS AND REPRESENTATIONS

1. The serving of a TPO in no way stops any reasonable works to the tree, a free & simple application process is all that is required. The question of who should pay for any works would not be the concern of the borough.
2. No-one has a right to light with regard to mature trees. Sensitive tree works, carried out under permission, may be undertaken to allow more light through and underneath the canopy.
3. Following a site visit I am satisfied that the tree appears healthy, however, it should be noted that all tree owners have a duty of care to ensure that their tree(s) remain as safe as practicable.
4. No evidence of root damage has been submitted.
5. Falling debris (leaves, twigs, acorns etc.) should be expected when living in close proximity to mature trees, this is not a valid reason for not confirming the TPO.

CONCLUSIONS

In conclusion, this tree contributes greatly to the character and appearance of the street scene and the wider landscape, both now, and into the future. It is considered that the reasons put forward by the objectors are of insufficient weight to overcome the harm to the character and appearance of the locale that would occur should these trees be removed. It is therefore recommended that the order is confirmed.

Background Papers

RECOMMENDATION: CONFIRM ORDER WITHOUT MODIFICATION

Background Papers

TPO file reference: 2/TPO/00576

Appendix 1: Copy of scoring assessment

Contact Officer: Mr R. Fisher, Arboricultural Officer 01553 616386