

EAST HERTS COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 29 FEBRUARY 2012

REPORT BY THE DIRECTOR OF NEIGHBOURHOOD SERVICES

7. CONFIRMATION OF EAST HERTFORDSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER (No. 2) 2011 P/TPO 558 'CHRIST CHURCH VICARAGE, 15 HANBURY CLOSE, WARE, HERTS'

WARD(S) AFFECTED: Ware Christchurch Ward

Purpose/Summary of Report

- A Tree Preservation Order (No. 2) 2011 Ref., P/TPO 558 was served under Section 201 of the Town and Country Planning Act 1990 on the 6th September 2011. This order had the immediate effect of protecting a significant mature Deodar cedar rooted in the front garden of Christ Church Vicarage for a period of six months, and it is now submitted to Committee for confirmation and permanent effect.

RECOMMENDATION FOR DECISION: that

(A)	Tree Preservation Order (No.2) 2011 P/TPO 558 be confirmed as an opposed order and that the Director of Neighbourhood Services be authorized to bring it into operation.
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1.0 Background

- 1.1 A formal application for tree work was received on 29th October 2010 from Herts Tree Care to deadwood and clean out the cedar tree and thin out six low main limbs. The application was submitted whilst the vicarage was let to other tenants. The Arboricultural Officer had a site meeting with Mr Brian O’Kane the proprietor of Herts Tree Care. Mr O’Kane agreed on site that there was little wrong with the tree apart from some branches which could be reduced back slightly as they were almost in contact with the roof and chimney of the adjacent property at No. 14.
- 1.2 On the 9th February 2011 Officers learned that the Diocese of St. Albans had changed its mind on the cedar tree and now wanted the tree to be felled to ground level. A second formal application was not made to fell the tree but dialogue continued with Herts Tree Care as to what works could be done to the tree. It was clear

that the tree was under threat of removal so a provisional Tree Preservation Order was served in expediency on 10th February 2011.

1.3 On 9th March 2011, a letter of was received objecting to the serving of the provisional Tree Preservation Order from the Reverend Hookway the Vicar designate on the following grounds:

- The closeness of the tree to the vicarage and potential damage to this property, visitors and vehicles.
- The closeness of the tree and branches to neighbouring properties and potential damage.
- The potential risk to pedestrians, cars, road blockage and other properties in the area, if a branch or the tree were to fall.
- The size of the tree in relation to other properties and trees in the area being inappropriate, as well as the tree having outgrown its position as a front garden tree.
- The obstruction to visitors to the vicarage which is his place of work as well as his home.
- The objection about the size of the tree received by the church from the neighbours.
- The blockage of light to the property and surrounding properties.

2.0 Report

2.1 The Council's Arboricultural Officer has considered each objection and can advise as follows:

- Often large trees are in close proximity to dwellings and places of work. If trees are maintained on a regular basis (every three to five years) then they may often be retained safely.
- If tree branches encroach towards buildings they may be reduced back to create a clearance with adjoining property of 2 Metres without the need to make a formal application as this would be considered abating a nuisance.
- The tree should be inspected by an appropriate expert on a three year cycle or after adverse weather events.
- The landscape of towns and cities would be all the poorer if the only trees in view were small in stature and they were only observed with difficulty.
- The Council has not received any complaints about the size of the tree and no other formal objection to the serving of the Tree Preservation Order has been made.

- Reduced light is not a justification to remove a tree of significant amenity value. The tree is to the north of The Vicarage and to the north-west of No. 14 Hanbury Close. Both properties receive sunlight as they have south facing rear gardens. There will be some loss of daylight to the front of both properties due to shading by the canopy of the tree. The tree is an evergreen tree and therefore cannot be thinned of live branches like some deciduous broadleaved trees.

3.0 Confirming the Tree Preservation Order

- 3.1 In determining whether the Tree Preservation Order is to be confirmed it is requested that the Committee consider the amenity value of the cedar tree, paying special attention to the desirability of preserving the character or appearance of the designated Ware Conservation Area.
- 3.2 The Arboricultural Officer gives the following reasons for confirming the Tree Preservation Order:
- 3.3 This cedar tree is clearly visible from New Road and Hanbury Close. The tree in its present condition is suitable for the particular setting and sits well with the presence of nearby Christ Church. Using the Tree Evaluation Method for Preservation orders – TEMPO the trees score 17 points. The Decision Guide states that a score of 16+ definitely merits the making or confirmation of a defensible Tree Preservation Order.
- 3.4 The removal of the cedar tree would be detrimental to the landscape character and appearance of the Ware Conservation Area. The tree provides a level of public amenity value to local residents and visitors to the area.
- 3.5 The serving and confirmation of the Tree Preservation Order on the cedar tree would ensure retention of a tree of significant public amenity value for the next 20-40 years.
- 3.6 The District Council has a policy to protect trees because of their amenity value and the contribution that they make to the landscape character of our towns and villages.
- 3.7 It is therefore recommended that the Order be confirmed as an opposed order.

Background Papers:

Application for tree work Ref: 382426 received 29th October 2010.
'Tree Preservation Orders: A Guide to the Law and Good Practice'.

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ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	Pride in East Herts <i>Improving standards of the built neighbourhood and environmental management in our towns and villages.</i> Shaping now, shaping the future <i>Safeguard and enhance our unique mix of rural and urban communities, ensuring sustainable, economic and social opportunities including the continuation of effective development control and other measures.</i>
Consultation:	There have been no letters of support for the serving of the Tree Preservation Order but the order was only served on The Estates Department of the Diocese of St. Albans, Christchurch Vicarage and No. 14, Hanbury Close.
Legal:	Confirmation of Tree Preservation Orders is a legal requirement of the planning acts and is in compliance with the regulations.
Financial:	There are no financial implications in confirming this order.
Human Resource:	None.
Risk Management:	None.