

EAST HERTS COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE – 5 DECEMBER 2018

REPORT BY EXECUTIVE MEMBER FOR DEVELOPMENT MANAGEMENT
AND COUNCIL SUPPORT

CONFIRMATION OF TREE PRESERVATION ORDER NO.4 2018 P/TPO
614 AT HITCH LANE COTTAGE, PATMORE HEATH, HERTS SG11 2LX

WARD(S) AFFECTED: LITTLE HADHAM

Purpose/Summary of Report

- To consider the objections to the making of the tree preservation order (TPO) received by the tree owner Mrs Twigg.
- Considering the objections and reasons for making the TPO, to decide whether Tree Preservation Order No.4 2018 P/TPO 614 should be confirmed.

<u>RECOMMENDATION FOR DECISION: That</u>	
(A)	Tree Preservation Order No.4 2018 P/TPO 614 should be confirmed without modification.

1.0 Background

1.1 Under section 211 of the Town and Country Planning Act 1990, a written notification to fell a mature field maple within the Patmore Heath conservation area at Hitch Lane Cottage was received by the council on 30 May 2018. The council has six weeks from that date to decide whether it objects to work and make a TPO.

1.2 The reasons given by the owners in their notification for removing the tree are:

- They had issues with a yew tree close to the house, finding its roots under the floor in one of the ground floor rooms.
- The field maple was very small when planted and there was no idea how tall it would grow.

1.3 The council objected to the notification to fell the tree and on 6 July 2018 made a provisional TPO to protect it. The council has six months from that date to decide whether to confirm the TPO.

1.4 The reason for making the TPO is:

The council has received a S211 conservation area notification from the resident of Hitch Lane Cottage wishing to remove a field maple tree at the front of the property, due to concerns regarding risk of damage to the house, shading and interference with telephone lines.

The tree is in good structural and physical condition and is prominently located at the front of the property, where it is highly visible from the road, Patmore Heath, and the public footpath which runs down the side of the property. Whilst it is appreciated that there has been an issue with another tree at the property in the past, there has been no suggestion or evidence that this tree has or would cause similar issues, to thereby justify its removal. The other concerns raised can be addressed by specific and targeted pruning.

The tree has been assessed for its suitability for formal protection under a tree preservation order (TPO) using TEMPO (tree evaluation method for preservation orders) and was determined to be suitable.

In respect to Section 211 notifications the council only has the powers to raise no objections or make a TPO should it wish to oppose the works. Considering the amenity value of this tree and the impact that its loss will have upon the character of the area, the council have deemed it expedient to issue a TPO.

2.0 Report

2.1 The field maple is a mature and healthy specimen located on the front boundary of the property. Because of its position, the tree is very prominent and visible from the heath and nearby surrounding areas, it is also a native species and very appropriate to the rural character of the area. It has at least 80+ years remaining future life expectancy.

2.3 The owners have listed their main objections (including a supporting letter from a tree surgeon dated 11 October 2018) to be:

- They want to remove the tree because they believe that damage will occur to their Grade II listed property based on the damage that the adjacent yew tree caused, and the field maple is only slightly further from the house than the yew tree was.
- They are concerned that if there were extreme winds the tree could destroy the building beyond repair
- Concerned with potential damage to the ornate ceiling (from potential foundation movement) in the room closest to the tree
- The removal of the yew tree in 2016 has exposed the field maple to high winds, and if the tree were to fall or a limb were to fall it would cause catastrophic damage to the property
- When a tree represents a risk to their property, they feel they must act

2.4 It is acknowledged that the owners have experienced damage to their property from an adjacent yew tree and the council did not object to its removal. However, at that time there was clear evidence that the roots had encroached underneath the property and it would have been unreasonable for the council to make a TPO under these circumstances. This is not the case

with the field maple, and no evidence has been supplied by the tree owner to support these concerns.

- 2.5 The tree provides a considerable existing and potential public amenity to the Patmore Heath Conservation Area, is a native tree with associated biodiversity and it is appropriate to the rural location.
- 2.6 There are no obvious defects which suggest the tree, or its branches might fail under extreme weather conditions and no evidence has been provided to support this claim.
- 2.7 If the owner of the property found evidence through professional inspection in the future that the tree was presenting an imminent risk, they could make an application to take appropriate action under the tree work application process, and provided justification existed, the council could agree to its removal subject to a replacement tree being planted.

3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

TPO (No.4) P/TPO/614 Plan

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