

EAST HERTS COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE – 13 FEBRUARY 2019

REPORT BY EXECUTIVE MEMBER FOR DEVELOPMENT MANAGEMENT  
AND COUNCIL SUPPORT

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CONFIRMATION OF TREE PRESERVATION ORDER NO.7 2018 P/TPO  
617 AT NORTH ROAD HOUSE, NORTH ROAD, HERTFORD, SG14 1LR

WARD(S) AFFECTED: Hertford Bengo

**Purpose/Summary of Report**

- To consider the objections to the making of the tree preservation order (TPO) received from the Managing Agents for the neighbouring property Ebenezer Court, 2 North Road.
- Considering the objections and reasons for making the TPO, to decide whether Tree Preservation Order No.7 2018 P/TPO 617 should be confirmed.

**RECOMMENDATION FOR DECISION: That**

<b>(A)</b>	Tree Preservation Order No.7 2018 P/TPO 617 should be confirmed without modification.
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1.0 Background

1.1 Under section 211 of the Town and Country Planning Act 1990, a written notification to fell a London Plane tree within the Hertford Town conservation area at North Road House was received by the council on 23<sup>rd</sup> July 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 applicant in their notification for removing the tree are:

- The Managing Agents for the neighbouring property Ebenezer Court, 2 North Road had requested the tree be removed. The pruning works which the Council had raised no objection to under an earlier section 211 notice were not considered sufficient to alleviate the issue of bird excrement on parked cars.
- The Managing Agents for the neighbouring property Ebenezer Court, 2 North Road were also concerned about damage to a boundary wall and block paving.

1.3 The council objected to the notification to fell the tree and on 12<sup>th</sup> September 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:

In May 2018 the council received a S211 conservation area notification from the resident of North Road House, North Road wishing to carry out pruning works to a London Plane tree at the front of the property to reduce branches growing above the parking area of the neighbouring property Ebenezer Court, 2 North Road. The council raised no objection to the proposed works to 'lift crown to 6 metres over parking area by removing small diameter branches only – main scaffold limbs to be retained.'

In July 2018 the council received a S211 conservation area notification from the resident of North Road House, North Road wishing to remove a London Plane tree at the front of the property, due to concerns raised by the neighbours at Ebenezer Court, 2 North Road.

The tree is prominently located at the front of the property, and provides a good level of public amenity along this stretch of North Road. Although it is acknowledged that there has been some damage to the boundary wall, and some minor lifting of the block paving within the neighbouring site, repairs

can be made without necessitating the removal of this visually important tree.

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 London Plane is highly visible at the front of the Grade II Listed North Road House. The tree contributes to the character of this part of the Hertford Town Conservation Area. The size of the trunk in relation to the canopy of the tree suggests that it has had extensive pruning works in the past. In the July Section 211 notice the owner of North Road House indicated an intention to rebuild part of their boundary wall to allow for further growth of the tree. The owner of North Road House also indicated a willingness to relay the small area of disturbed block paving in the neighbouring property.
- 2.2 The managing agents who look after Ebenezer Court raised an objection to the making of TPO617 and included photographs of cars with bird excrement on them. One of the photographs was identifiable as being taken at Ebenezer Court. The other two photographs appeared to have been taken at locations other than Ebenezer Court.
- 2.3 The managing agents who look after Ebenezer Court also raised objections because of the damage to the boundary wall and the disturbed block paving.

2.4 Siting allocated parking on new developments below the canopy of established mature trees will always lead to pressure to prune or remove the trees. The pruning works which the council raised no objection to in May 2018 would remove most of the overhanging vegetation and alleviate the problems. There are other options for residents of Ebenezer Court such as the use of car covers.

### 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.7) P/TPO/617 Plan

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