

22/00108/TORDER

Objector Ms Jayne Storey

Location 8 Lamcote Gardens, Radcliffe on Trent

Objection To Radcliffe on Trent No.1 Tree Preservation Order 2022

Ward Radcliffe on Trent

THE SITE AND SURROUNDINGS

1. A single tree is protected at 8 Lamcote Gardens, a residential cul-de-sac constructed between the 1950's and 1960's comprising 17 detached properties and bungalows. 8 Lamcote Gardens is one of the bigger plots on the road as a large proportion of its garden is located to the side of the property.

DETAILS OF THE TREE PRESERVATION ORDER

2. The TPO was made on the 14th July 2022. Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 the Order takes effect provisionally and needs to be confirmed within 6 months of the date it was made. The Council has a duty to consider all objections and any representations made before deciding to confirm the Order.
3. The Tree Preservation Order (TPO) protects a single Birch tree in the side garden of the property.

SITE HISTORY

4. At the time of making the TPO, the site was subject to a planning application to construct a new detached dwelling within the part of the garden located to the side of the property, planning reference: 22/00078/FUL. This was subsequently refused for the following reasons:
 - The intrusive visual impact of the proposal to the street scene.
 - An intrusive impact on an adjacent property.
 - The loss of the Silver Birch tree.
5. Prior to making the TPO, a member of the public had highlighted the value of the trees on this site to the Council. Whilst the trees were being assessed an Oak tree in the southwest corner of the garden was felled, this resulted in further enquiries from the public about the possibility of a TPO being made.
6. Given that there are few roadside trees at Lamcote Gardens and that the tree is visible from the road it was considered that it had sufficient public amenity value to warrant protection and that's its removal would be detrimental to the

street scene. Given the felling of the Oak and the on-going planning application it was considered that there was a risk that the Birch could also be removed.

REPRESENTATIONS

Local Residents and the General Public

7. The owner of the property has objected to the TPO for the following reasons and has arranged for the tree to be surveyed by an arboriculturist who has undertaken a tree survey in accordance with BS5837.
 - a) It is our understanding the TPO decision is likely to have been made on a basis of concerns raised by neighbours about a considered threat to the tree following a recent planning application.
 - b) The tree was assessed to be of only moderate quality in the tree survey. It has not been made clear by Rushcliffe Borough Council how the amenity value merited a TPO.
 - c) We consider that the current height, multi-stemmed structure and close proximity of the tree to 8 Lamcote Gardens, the surrounding properties and nearby parked vehicles, presents concern if the tree or sections of it were to fall during high winds or as a result of other adverse weather conditions.
 - d) An existing telegraph pole to the Southwest corner of the site links the network to the dwellings along Lamcote Gardens. The connections to the properties along this street could be severely disrupted should the tree or sections of fall during high winds.
 - e) When in leaf and due to its height, the tree creates shadowing of the rear garden of 8 Lamcote Gardens, impacting on the enjoyment of this space.
 - f) The owner would have accepted a planning condition requiring replacement tree and any future application would look to contribute to the amenity of the local area.
8. The objection letter is supported by a BS5837 Tree Survey. This gives the tree a moderate 'B' classification and notes the tree is early mature with good physiological and structural condition with an estimate life expectancy of 20 years or more.

APPRAISAL

9. The Birch is still a young tree; judging from site visits, past aerial photos and Google street view images, the tree is around 20 years old. It is a multi-stemmed specimen, 8m tall and was presumably chosen and planted as this will make the most of its attractive white bark. Birch can become tall trees but have a light canopy which allows dappled sunlight and are generally considered to be a suitable garden tree.
10. A member of the public drew the Council's attention to the Birch and did request a TPO be made. The Council often gets such requests. On this occasion it was hoped that the trees would have been retained during the planning process, but the felling of the Oak tree in the corner of the garden gave the impression that further tree removal was a risk, hence the TPO.
11. To justify protection, trees need to offer some public amenity. Amenity is not defined in law, but Government advice is that 'Orders should be used to protect selected trees and woodlands if their removal would have a significant negative

impact on the local environment and its enjoyment by the public' and that 'trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.' The Birch is one of the few trees on the roadside frontage of Lamcote Gardens and whilst it is still young it is visible from the road and contributes to its appearance. The Council has a point-based assessment to help inform whether or not it is appropriate to protect trees. A copy is enclosed at the end of the report. This considers the aesthetic quality, condition, impact if removed, the proximity and effect on buildings and subtracts points if trees are likely to cause injury or damage. The assessment shows that the tree meets the Council's criteria to warrant protection.

12. The Birch is located centrally within the part of the garden located to the side of the house. The shadow cast by the tree will move throughout the day and whilst it may block light to parts of the garden as certain times of the day this is not unreasonable.
13. The Birch will increase in size, but the Council does not consider that it will pose a foreseeable risk of damage to any of the adjoining properties or services for many decades to come. It could be said that when the tree is fully mature it will be within falling distance of properties and phone lines, but this doesn't automatically make it a danger and the owner would need to monitor its health and condition as it matures. This would be prudent management for any tree and the TPO would allow applications to be made to prune or fell the tree if there were good reasons to justify the work.
14. The tree survey accompanying the objection does not identify as any structural concerns that would prevent the Order being confirmed. The tree has been given a BS5837 classification of 'B', which is for moderate trees. The other classifications are 'A', for trees of high quality; 'C', for trees of low quality and 'U', for trees which in current context have a lifespan less than 10 years. It would be entirely appropriate for the Council to protect a 'B' classification tree.

RECOMMENDATION

- 15 It is **RECOMMENDED** that the Radcliffe on Trent No.1 Tree Preservation Order 2022 be confirmed without modification.

CONSERVATION AREA TREE NOTIFICATIONS AND TPO CONSULTATIONS TREE EVALUATION SHEET			
Location of Tree	8 Lamcote Garden, Radcliffe on Trent		
Species	Silver Birch		
1. Aesthetic Quality		3. Condition	
Excellent	4	Excellent	4
Good	3	Good	3
Fair	2	Fair	2
Poor	1	Poor	1
Unightly	0	Dying/Dead	0
2. Impact on public amenity if removed		4. Proximity and effect on buildings	
Very severe adverse impact.	4	Able to grow to full mature extent.	4
Severe adverse impact.	3	Able to grow to reasonable maturity without significant impact on properties	3
Moderate impact (or only visible from a limited no of properties).	2	Spread will eventually affect properties with nuisance impact – shade, debris, soil depletion etc.	2
Little impact or no change.	1	Will eventually affect buildings with structural implications.	1
Improvement (or not visible to public).	0	Buildings already affected.	0
Total Score	12-0= 12	Maximum possible total	16

A tree with a score of 11 or above will be considered for a TPO although a score of 0 or 1 in any category will negate this.

HEALTH AND SAFETY

This scoring system does not take into account damage or injury which could be caused if a tree located close to buildings, gardens, roads, or places of public access should fall or shed branches. Regardless of the tree's condition or type this possibility must be considered. An assessment should be made of the damage which could be caused, scoring as follows :

Damage to property or physical injury highly unlikely	0
Limited structural damage possible but unlikely to cause injury	1
Moderate risk of damage or injury	2
Significant risk of damage or injury	3

This assessment is inevitably subjective but we must err on the side of caution. A tree scoring 2 or 3 should not be subject to a TPO. A score of 1 should be subtracted from the final total of 1 to 4 above and could be the deciding factor in borderline cases.

Wildlife

In some locations where ecological considerations are particularly important a non-native or ornamental species may not be regarded as appropriate for protection when a locally native species of tree would be. This will be a matter for consideration in each case.