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AMM [Signature]
ATTESTING OFFICER



Epping Forest District Council
 Planning Services
 Civic Offices
 High Street
 Epping CM16 4BZ

TPO/EPF/25/13
 1 Burney Drive
 Loughton

Centre X: 543912.000
 Centre Y: 197192.000
 Width : 180.000
 Angle : .000

Scale : 1:1000 Date : 16 Oct 2013 Time : 12:55:05 PM

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Report to Area Plans Sub-Committee South

Date of meeting: 2 April 2014

**Subject: Confirmation of Tree
Preservation Order EPF/25/13 1 Burney
Drive, Loughton, Essex.**



**Epping Forest
District Council**

**Officer contact for further information: Chris Neilan (01992 564546)
Democratic Services: Gary Woodhall (01992 564470)**

Recommendation(s):

That Tree Preservation Order EPF/25/13 be confirmed without modification.

Background

1. Tree Preservation Order TPO/EPF/25/13 was made to protect one oak tree in the rear garden of 1 Burney Drive, Loughton. The reason for the order was that information had been received that the tree was under threat of being felled.

2. The order was served on the owner/ occupier. A response was received, amounting to an objection, from the resident. Subsequent to that it came to light that 1 Burney Drive was a council property and that the objector was a tenant, not the owner (which was not clear in her response). The Director of Housing (as was) was therefore formally served with the Tree Preservation Order. Whether an objection should be made was considered, but the issues have resolved internally. However, the objection from the tenant stands to be considered.

Objection to the Tree Preservation Order

3. The grounds of the objection are as follows:

- a) There is no public amenity provided by the tree as it is in the back garden and the back garden is not open to the public.
- b) The tenant considers that the tree is a hazard to the property, to herself, her children and their dog. Because the tree sheds branches, including branches of a large size, they cannot use the back garden in the way that they should be able to. She is particularly concerned about the safety of one her daughters who sleeps in the upper back bedroom, closest to the tree.
- c) The tree cuts out sunlight to the rear rooms of the house, and particularly to the garden. It is impossible to grow plants other than weeds in the garden because of lack of sunlight.
- d) The Council had already agreed felling of the tree, as a hazard to the property and she was expecting the work to be concluded by 24 October 2013.

4. The objector states that she has taken legal advice; that she is aware that it is impossible to protect a tree which is a hazard but hopes that it will be possible to resolve the situation without resorting to legal action.

Comments of the Assistant Director of Governance

Public amenity

5. Although the objector claims that the tree has no public amenity, because it is in the back garden, in fact because it is such a large tree it can be widely seen from adjacent roads. It certainly therefore has sufficient public amenity to be subject of a Tree Preservation Order. On inspection of the tree proved to have the characteristics of a veteran oak; as such it deserves every effort to ensure it can be retained, with suitable management, unless there proved to be no alternative.

6. Members will be aware of the recent publication of Loughton and its Trees – The Community Tree Strategy for Loughton. Key Object 4, Trees in Gardens, is (ii) “to protect those trees that give character to the town and to ensure that the most important trees are not felled, except where it has been necessary to be both necessary and justified”. Members will note that this closely follows the relevant planning policy, which is to ensure that felling of preserved trees must be necessary and justified.

Safety, loss of light and use of garden

7. The substantive grounds of objection relate to safety concerns, loss of light and the restrictions on use of the garden. As would be expected with any veteran, there are visible decay pockets, resulting from branch removal in the distant past, as well as dead branches in the crown. There is no clear current risk of structural failure; nor can the tree be considered as an immediate hazard, and so exempt. However crown reduction to reduce the “sail effect” of the tall crown would be a sensible precaution. At the same time the deadwood in the crown could be removed and reduction of the extended branches over the several gardens would improve the access of sunlight to house and garden.

8. The Council’s Principal Landscape Officer has met the objector; she does not accept that these works will be sufficient to meet her concerns. However, they are in line with the advice given to the then Director of Housing from the Council’s Tree Officer in Environment and Street Scene.

The intended felling

9. Finally, the objector mentions her expectation that arrangements were in hand to have the tree felled. However there is no justification for felling by any party. Works to trees on tenanted properties normally remain the responsibility of the tenant. The Director of Communities has confirmed that he has no objection to the confirmation of order. Any necessary negotiations and agreement to future pruning of the tree could then happen within the planning framework, which requires that preserved trees may only be felled if it demonstrated to be both necessary and justified. In this case it is anticipated that sensible pruning would be sufficient to deal with any issues.

Conclusion

10. That TPO/EPF/25/13 be confirmed without modification. The agreed Community tree Strategy for Loughton lays particular stress on the retention of veteran trees; this tree is also of considerable visual amenity. Subject to pruning it may be safely retained, and other issues could be substantially mitigated by suitable pruning, subject to consent.