

**MEMORANDUM****APPENDIX 2**

From:	<b>Tree Officer</b>	To:	<b>Legal Officer</b>
My Ref:	<b>TPO (7) 2011</b>	Your Ref:	<b>TPO (7) 2011 Tree on land at 1 Broad Street, Bromsgrove</b>
Please ask for:		Ext:	
		Date	29 December 2011

**Re Confirmation of Tree Preservation Order**

Further to your memo of 26<sup>th</sup> August and subsequent representations received my comments are as follows:

**Background**

1 Broad Street is located at the junction of Crabtree Lane, Broad Street and Willow Road. The Order currently in place covers one maple tree located on the Crabtree Lane boundary of the property.

The tree is highly visible in the street scene of Crabtree Lane and a conspicuous feature of the busy road junction in this part of Bromsgrove. Consequently, when information was received that the imminent felling of the tree was proposed, the tree was made subject to a provisional Tree Preservation Order as a matter of expediency.

**Representations Received - Objections**

One objection has been received. A copy is attached as Appendix C. [REDACTED]

[REDACTED] and comprises four main elements as follows:

- (1) *The manner of making the TPO was misleading and deceitful*
- (2) *The tree is growing and close to the property.*
- (3) *The neighbours across the road have complained that the tree blocks too much of their light*
- (4) *The tree blocks a great deal of light and sun from my garden*
- (5) *The roots have damaged the pavement*
- (6) *I have had the tree pruned twice in the last 8 years at a total cost of £650. It is expensive for me to keep paying such sums when the tree grows back so quickly.*
- (7) *I have consulted 3 tree surgeons for quotes to prune the tree and they have advised that it will only make it grow faster and it would be better to cut it down.*
- (8) *Many more attractive trees were recently cut down further down the road in the Council Cemetery*

My comments on these are as follows:

- (1) In cases such as this, the Council's Tree Officers are sometimes faced with something of a dilemma between the desire to respond to customers' requests and enquiries as promptly as possible and the Council's statutory and moral duty to protect trees of value for the benefit of all residents of the local area.

In this case, the initial enquiry received was whether the tree was protected as from the owner of the property wished to have it felled. This led to both a check of records to answer the initial enquiry running parallel to seeing if the tree merited the protection of a provisional TPO now that it appeared to be under threat. The conclusion of this was that while the tree was found not to be protected, it did appear to merit the making of a TPO. This did unfortunately result in both the standard response of the absence of tree protection being initially communicated to the owner at the same time as a TPO was made and shortly served on the property.

Where possible and prudent to do so, the Council's Tree Officers often attempt to avoid the loss of trees by contacting and advising owners of ways to overcome tree-related issues they are experiencing without having to fell the trees concerned. In this case, the information received was that the felling of the tree was already arranged and so the urgent making of the Order was deemed necessary to avoid its loss.

- (2) Although the tree is growing, there is approximately 7 metres between the nearest edge of the canopy and the house and thus ample separation to prevent damage to the property the above-ground influence of the tree (e.g. rubbing or falling branches). Tree roots are only able to directly lift very light structures such as paving slabs or tarmac and so, while it is common to such features within 2-3 metres of the trunk, such damage is usually very limited and easily remedied by relaying of the feature concerned.

At its current size, the below-ground influence zone of the tree's roots would be unlikely to extend as far as the property and so would be unable to contribute to subsurface damage. As the tree grows larger, this influence zone would extend to reach as far as the building and so could potentially effect soil conditions beneath the property in the future. However, for this effect to have any ability to contribute to damage to the house through subsidence, both a shrinkable clay soil and shallow foundations would also have to be present. No information on the presence of these additional factors has been presented or is known to be present. Given the extreme rarity of clay soils in this area of the District, any risk of such damage from the tree is considered highly unlikely.

- (3) No objections have been received from any neighbouring properties. As the tree is located to the north-east of the house across the road, it is unable to block direct sunlight from this property and so will only obscure some reflected skylight during summer months when in leaf. At this same time of year, however, the trees leaves will reflect some direct sunlight back into the property.
- (4) The tree is located on the south-west side of the garden and directly to the west of the house with the result that it will cast some shade over the garden from midday onwards and upon the house in the evening. Some of this shading affect can be reduced by suitable pruning as discussed below although some will remain. In view of the increasing effects of a warming climate, such reduced shade may be seen as a desirable effect together with the other benefits such as cooling, sheltering and improved air quality which the tree provides.
- (5) The tree is located on the edge of the pavement with the result that tarmac has been laid close upto the trunk of the tree and on top of existing roots. Both the thickening of the trunk and these existing roots plus the likely growth of new fine 'feeder' roots will have exerted gradual pressure on the relatively weak tarmac 'crust' and caused the cracking. These cracks can be easily addressed during routine resurfacing of the pavement by carefully removing and re-laying the tarmac or by various methods of bridging over the roots as appropriate. The pavement is 'owned' and maintained by the Highways Section of Worcestershire County Council who were notified and consulted on the making of the order and have raised no objection.
- (6) The tree at present shows little sign of earlier pruning and so I am unable to comment specifically on the need or effect of any works or the cost. Pruning of a healthy tree will commonly encourage more rapid re-growth as the tree attempts to restore the balance between leaf cover and the system it needs to biologically support and so it is possible that previous pruning may have contributed to thickening of the lower canopy and worsening of the light loss experienced by the occupant of the property.
- (7) The tree is in vigorous healthy condition and so should be able to withstand substantial pruning to attempt to reduce the shading effect being experienced by the occupant. Suitable works to remove lower limbs (Crown lifting) and the removal of a proportion of smaller limbs from overall the remaining canopy (Crown thinning) will allow direct sunlight to pass beneath the canopy of the tree while the thinning should result in a less dense canopy and a more 'dappled' shade. The greater the amount of pruning will generally trigger a higher degree of regrowth but with suitable expertly done Crown lifting and Crown thinning, the majority of regrowth will typically be at the higher extremities of the tree where light levels are highest and so the overall effect should last longer.
- (8) 2 trees of the same species were recently felled in the nearby cemetery. One tree was diseased and both possessed defects which made them structurally unstable and could not be remedied by other pruning and so the felling was carried out for safety reasons. Replacement tree planting has since been carried out.

### **Conclusions & Recommendation**

Although [REDACTED] is justified in the view that the tree may be a nuisance in the future as there will inevitably be occasional future concerns and requirements of maintenance, it is also a valuable asset to the property and neighbouring residents in respect of its high visibility and amenity value. The tree softens the effect of the urban area and the busy traffic junction and contributes to the street scene of Crabtree Lane and Willow Road with additional substantial positive effects on air quality and wind, noise and dust reduction.

In view of these benefits, I consider that the tree is of sufficient value to merit an Order and recommend its confirmation without amendment.