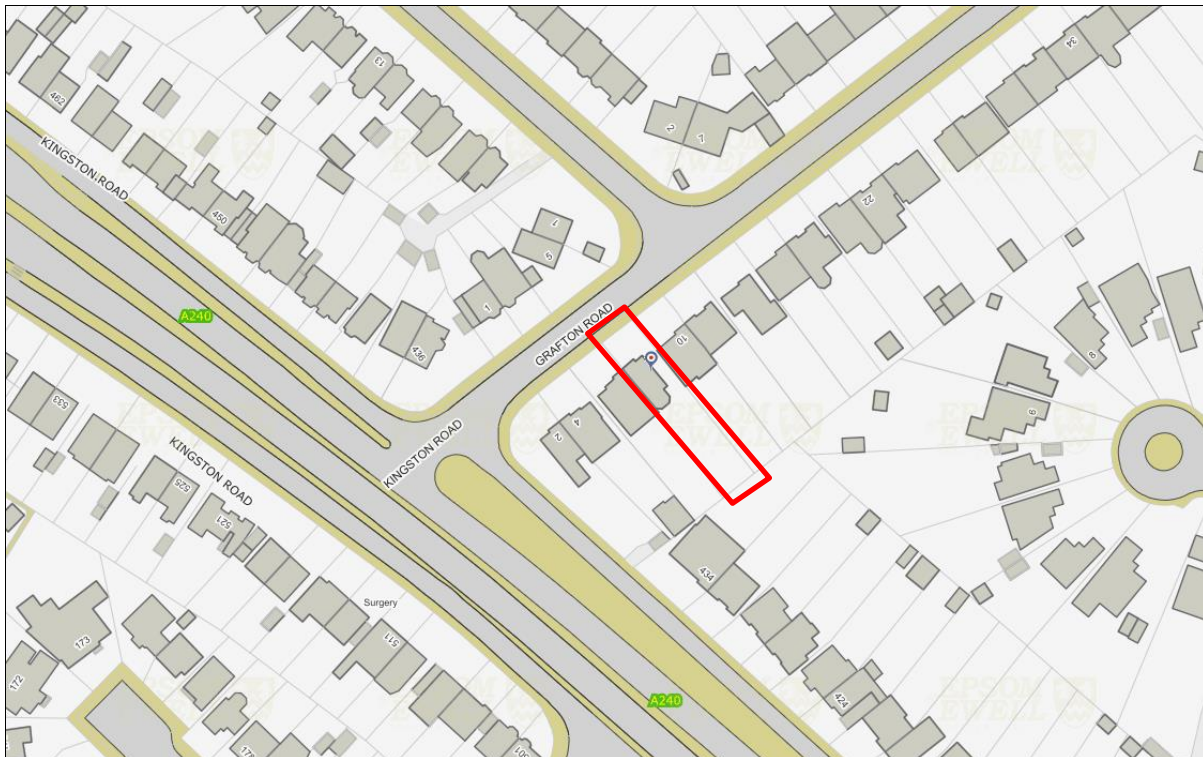


22/00316/TPO 8 GRAFTON ROAD, WORCESTER PARK KT47QP

Application Number	22/00316/TPO
Application Type	Making of a Tree Preservation Order
Address	8 Grafton Road, Worcester Park KT47QP
Ward	Cuddington
Proposal	Confirmation of Tree Preservation Order (TPO) No. 476A made in respect of a Scots Pine tree at 8 Grafton Road
Recommendation	Approval
Expiry Date	27 October 2023
Contact Officer	Jeremy Young
Reason for Committee	Objection received to making of TPO

A [glossary of Planning terms and acronyms](#) is available to view on the Council's website.



SUMMARY

1 Summary and Recommendation

- 1.1 This report is for the Planning Committee to consider whether to confirm Tree Preservation Order (TPO) No. 476A made in respect of a Scots Pine tree at 8 Grafton Road, following an objection to the order being received from the tree owner and the neighbour.
- 1.2 8 Grafton Road is a semi-detached property. The Scots Pine tree marked T1 in the Tree Preservation Order is prominently situated in the front garden. Historically, it was thought that the tree was protected as T17 in TPO No.6 made on 13 November 1962. However, upon receiving an application to fell the tree (application 22/00316/TPO) it became apparent that the plan in the Tree Preservation Order was incorrect as the tree was marked in the front garden of No.10 but was given the address of No.8 in the TPO schedule. Officers conducted a site visit and verified the tree's location and condition and undertook an amenity appraisal. Having established that the Pine was in a good condition, had a good degree of landscape amenity but was plotted in the wrong garden, it was recommended that a new tree preservation order should be made to correct the error and give the tree provisional protection.
- 1.3 The Tree Preservation was made on 22 November 2022. TPO 476 and served on the owner/occupier and neighbour (where the tree overhangs). A letter was received on 21 December 2022 setting out concerns about the tree from the neighbour at 6 Grafton Road.
- 1.4 Originally it was proposed to report the objection to the TPO to the Planning Committee on 20 April 2023, but following the cancellation of the Committee, the Tree Preservation Order lapsed and a new order was created to replace it. TPO 476A was made on 30 May 2023 and was hand delivered to 8 and 6 Grafton Road on that day. A Stage 1 complaint was also made by the tree owner dated 9 May 2023, escalated to Stage 2 on 6 July 2023. The complaint was not upheld.
- 1.5 The concerns raised by both parties, including from the complaint, are in relation to the height of the tree, shedding of branches during strong winds and damage to paving caused by birds. In addition, the owner has complained about the length of time it is taking for this application and tree preservation order objection to be considered. These enduring concerns have been taken to constitute an objection to the Tree Preservation Order.
- 1.6 Officers recommend that despite the objection, the Order should be confirmed because the tree is healthy and has an appreciable degree of public amenity.

- 1.7 This item is for the Planning Committee to consider the amenity value of the tree and whether it is appropriate to confirm the tree preservation order in light of the objection made. A decision is required as to whether:
- i. TPO No. 476A should be confirmed or revoked
 - ii. TPO 476 is revoked
 - iii. Reference to T17 in TPO 6 removed as a modification required due to the original error

SITE AND PROPOSAL

2 Description of Site

- 2.1 8 Grafton Road is a semi-detached house that was built in 1935. It has recently been extended. The property is close to Kingston Road and the junction between The Warren with Grafton Road. The Pine therefore has more open visibility than a tree within the street realm alone and makes a positive environmental contribution to this busy urban setting.
- 2.2 The Scots Pine is a middle-aged tree estimated to be 85 years old. It is potentially older as Scots Pine tend to grow slowly on clay soil. Scots Pines have a life expectancy of 150 to 200 years. They are native to the UK and have one of the widest distribution of Pines. They are found across all of Eurasia. The tree has attained a height of approximately 12m and has a crown spread of 7 to 8m. The stem diameter at 1.5m above ground level measures 461mm.
- 2.3 There are companion Scots Pine trees of similar age and stature in the front gardens of 64, 54 and 52 Grafton Road which are also protected by Tree Preservation Order No. 6. Tree Preservation Order No. 6 was made in 1962 and protected Scots Pine trees in the front gardens of 8, 36, 42, 44, 52-56 and 64-68 Grafton Road. In 1950`s aerial photographs, there are conical shaped shadows in the road extending from all of these addresses and a few others in the row. Houses in the road were predominantly built in the 1930`s but the 1913 map shows the area was scrub reverting to woodland and called Taylors Shrubbery. Conifer symbols are also shown on the 1913 map, but it is unlikely that the front garden Scots Pines in the road date back that far (over 110 years old). Certainly, they are believed to be nearly as old as the houses.
- 2.4 Condition assessment of the tree has confirmed that it is in a good healthy specimen. There is no sign of stem or basal decay or red banded needle blight. Branch structure appears biomechanically sound.
- 2.5 The Pine has a flattened top indicating that apical growth has virtually ceased. The canopy is relatively dense. Needle size and colour is normal. Despite recent ground disturbance from development and hardstanding around the base of the tree it appears to have good vitality.

3 Description of Proposal

- 3.1 The proposal is for the making of Tree Preservation Order (TPO) No. 476A made in respect of a Scots Pine tree at 8 Grafton Road.

CONSULTATIONS

4 Comments from third parties

- 4.1 The Tree Preservation Order was served on the tree owner and the neighbour where the tree overhangs. The comments have been made by the owner of the Pine tree and the neighbour at 6 Grafton Road which is detailed further in the validity of the objection below.

PROPERTY HISTORY

App No	Proposal	Decision
22/00316/TPO	Felling of Pine	Pending consideration of TPO
The applicant's agent advised that an appeal for non-determination has been lodged with the Planning Inspectorate for application 22/00316/TPO. However, this is the wrong appeal as it should have been against non-validation, the explanation for this delay being the need to correct the Tree Preservation Order first. The Planning Inspectorate has not commenced the appeal and it remains to be seen whether they will proceed with the appeal, hold it in abeyance or turn the appeal away until the Council has had the opportunity to consider the correction of the TPO and make a decision on the application.		
21/00071/FLH	Two storey side extension, two storey rear extension, loft conversion and side passage	Approved 29 April 2021
20/01407/FLH	Two storey side extension, two storey rear extension and loft conversion	Refused 23 December 2020
250591	Garage addition	Approved 1964

SITE CONSTRAINTS

- Built Up Area
- Site of Special Scientific Interest Risk Area
- Great Crested Newt Impact Zone

PLANNING POLICY AND GUIDANCE

National Policy Planning Framework (NPPF) 2021

- Section 4: Decision-Making
- Section 12: Achieving Well-Designed Places
- Section 15: Conserving and Enhancing the Natural Environment

National Planning Policy Guidance 2021 (NPPG)

- Tree Preservation Orders and Trees in Conservation Areas

Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS5: Built Environment

Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM5: Trees and Landscape
- Policy DM9: Environmental Character

APPRAISAL

5 Amenity Considerations

- 5.1 The Town and Country Planning Act 1990, Section 198 provides that Local Planning Authorities may make a Tree Preservation Order (TPO) if it appears to them to be “expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”. Tree preservation orders and trees in conservation areas planning practice guidance recommends that “TPO’s 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. Before authorities make or confirm an Order, they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.
- 5.2 To define what amenity means in practice, the Council’s procedure is to use a systematic scoring system to evaluate whether a tree/s has sufficient amenity to justify the serving of a TPO. This also ensures a consistent approach to tree protection across the Borough. In considering the amenity value such factors as the size, age, condition, form, rarity, prominence, screening value, appropriateness to setting and presence of other trees are taken into account.
- 5.3 Before considering the making of this TPO, an amenity value assessment was undertaken using The Tree Evaluation Method for Preservation Order (TEMPO). The system was used to evaluate whether a TPO is defensible and justified. Under this appraisal system, the tree achieved a high score which is felt justified the making of the TPO. The amenity appraisal demonstrates that it is both expedient and appropriate to protect the Scots Pine in the interest of amenity. The tree amenity evaluation appraisal is attached to this report.

- 5.4 The Scots Pine is a healthy tree of medium proportions which is clearly visible in the street realm. It forms a composition of similar Scots Pines which enhance the street realm by providing a pleasant contribution to the amenity of the landscape. The only negative element associated with the Pine is its fairly confined front garden growing environment, but this is balanced by the slow growing nature of the tree meaning it is not disproportionate to its setting. Only limited maintenance is ever likely to be required.

6 Validity of the Objection

- 6.1 The Objection to the TPO centres on concerns relating to the tree's height and safety of branches.
- 6.2 Trees are naturally shedding organisms and the occasional fracturing of branches during storm force winds can occur as an unforeseeable event. Whilst this provides occupants with a sense of apprehension over the risk of branches falling on property – the actual risk is generally low. More major damage is normally covered by standard household or vehicle insurance policies. To reduce the risk, naturally occurring dead wood can be removed and the tree inspected periodically by arborists for defects. The Pine currently has no observable defects and has a visually sound biomechanical structure therefore there is no quantified risk of structural failure.
- 6.3 At 12m, height the Pine is not considered to be a large overly dominant tree to the setting. There is scope to lightly reduce branch tips if they become over-extended in the direction of the house. A comparison of street view images between 2008 and 2020 show the slow growth rate of these front garden Pines. It is not anticipated that the Pine will get significantly taller as the upper crown has started growing more horizontally. The flattening of apical growth is a natural characteristic of Pines and often indicates a transition to a second phase of growth the trees experience as they mature.
- 6.4 The justification given for felling the Pine in the application does not appear to be compelling. No evidence has been submitted to substantiate that the Scots Pine is unsuitable for its location or has suffered storm damage that has harmed the tree. Light loss is not excessive and needle loss is a natural biological consequence the accumulation of which can be remedied by garden maintenance.
- 6.5 Although the clearance of needle debris and associated tree detritus is a chore this has to be considered against the environmental benefits of the tree including the biodiversity it provides, and natural capital benefits such as carbon storage, oxygen generation and absorption of particulates. For a tree in an urban environment, it has caused virtually no damage to its hard surface setting. The tree does not appear to be causing a high degree of nuisance despite its restricted location.

- 6.6 On balance, Officers feel the environmental benefits and amenity of the tree outweighs the disadvantages. Nothing in the objection challenges the assertion the Council makes about the amenity contribution that the tree provides.

7 Sustainability

- 7.1 The National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7). It sets out that sustainable development has overarching economic, social and environmental objectives. The environmental objectives include mitigating and adapting to climate change. Paragraph 9 of the Framework states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account. requirements of construction and incorporates waste management processes.
- 7.2 Consideration of sustainability and climate change are embedded within the Council's current adopted Core Strategy and Development Management Policies Document. Specifically, Policy CS1 sets out that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development - both in Epsom and Ewell, and more widely. Changes should protect and enhance the natural and built environments of the Borough and should achieve high quality sustainable environments for the present, and protect the quality of life of future generations. Policy CS6 sets out that development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change.
- 7.3 The making of the TPO will ensure the protection of the tree in support of the above policies.

CONCLUSION

8 Planning Balance

- 8.1 The Pine tree is visible in the street scene and makes a good contribution to the treescape of the street realm. It reinforces the sylvan composition with other similar Scots Pines in front gardens along this road.
- 8.2 The slow growth rate of the Pines on this soil mean that whilst they have longevity, they are not overly dominant to the site.
- 8.3 If the TPO is not confirmed, the Pine could be felled which would be harmful to the landscape character of the area. If it is felled without

compelling justification, this could potentially place other Pines in the road at risk of felling requests which could cause further harm to amenity.

- 8.4 The neighbour and tree owner have concerns over the trees size and safety, but these sensibilities appear to be based on apprehension rather than arboricultural evidence. Making of the new tree preservation order only corrects the previous plotting error and serves to formalise the protection of a tree which all the parties already thought was the case.
- 8.5 Should the TPO be confirmed it is felt this would not unduly prejudice the rights of the tree owner as their non-determination appeal may be considered by the Planning Inspectorate. The appeal process normally evaluates both the case for the Council and the case for the Appellant after considering the amenity value of the tree. Should the Inspectorate turn the appeal away, then the Council can consider the application and there would be the right to appeal to the Planning Inspectorate if the Council refused the application.
- 8.6 It is the Officers view that the objection raised against the making of Tree Preservation Order No. 476A does not override the public interest to protect the trees as an amenity and natural feature.

RECOMMENDATION

9 Recommendation

- (1) **Tree Preservation Order No. 476A is confirmed without modification.**
- (2) **Tree Preservation Order No. 476 is revoked.**
- (3) **Tree Preservation Order No. 6 is modified to remove the reference to the Pine T17.**