

Report of Head of Planning & Enforcement  
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED),  
SECTIONS 198-201 AND 203

**TREE PRESERVATION ORDER NO. 769 (TPO 769):  
20 BURWOOD AVENUE, EASTCOTE**



**Figure 1:** The English Oak tree in the rear garden of 20 Burwood Avenue (viewed from neighbouring gardens)

## **1.0 Summary**

1.1 To consider whether or not to confirm TPO 769.

## **2.0 Recommendations**

2.1 That TPO 769 is confirmed.

## **3.0 Information**

3.1 The making of TPO 769 was authorised under delegated powers on 26th January 2018, because a nearby resident advised the Council that the Oak tree was under threat of having its roots severed.

3.2 This Oak tree is an attractive landscape feature that contributes to the amenity and arboreal character of the local area. The tree merits protection on amenity grounds.

3.3 The tree has a long-life expectancy and has developed into a significant landscape feature that will provide amenity for decades to come.

#### **4.0 The Objection (1)**

4.1 A formal objection (summarised verbatim below) to TPO 769 was received from Mr Kumar (at No. 12 Widenham Road) for the following reasons:

1. **Timing of Tree Preservation Order** - That concerns by residents in Widenham Close and of Mr Kumar were completely ignored by making this Tree Preservation Order.
2. **Safety Concerns** - The Oak tree has previously dropped a large limb onto a slide in the objectors garden. And there are concerns that the tree may drop more limbs. Last year it was noticed that one of the objector's daughter developed rashes from falling insects.
3. **General Garden Maintenance** - The tree preservation order will prevent works from being carried out in the flowerbed to plant bedding plants due to not being able to cut back roots within the soil.

4.2 There was also an objection received to TPO 769 from Mr Haley of 10 Widenham Close, Eastcote. Has concerns about the sunlight which is being blocked from properties/gardens in Widenham Close and that regular pruning of this tree will be prohibited by the making of this Tree Preservation order.

#### **5.0 Observations on the objections to TPO 769:**

5.1 The Council was alerted to the potential threat of damage to the main roots of this tree which included severance to allow the construction of a shed. This tree is a significant landscape feature and works of this nature would be detrimental to both its health and stability. It was therefore necessary to place a tree preservation order on this Oak to prevent this damage.

5.2 It was therefore necessary to place a tree preservation order on this Oak to prevent this damage.

5.3 At the time the Oak tree was inspected, it appeared to be in good health. There are no reasons to suspect the tree is dangerous or that any branches will become weaker. In any case, consent is not required to remove dead or dangerous limbs (should they develop in the future).

5.4 From what can be seen from a visual inspection from the ground, there is no reason to believe that further branch failure is likely .

5.5 Pruning works can still be applied for via a formal tree works application and there is no reason why reasonable pruning works would be refused, so the making of a TPO would not prevent management being carried out on this tree. It would also have no impact in relation to treatment of insects.

## **6.0 The Objection (2)**

6.1 An objection was also received to TPO 769 from Mr Haley of 10 Widenham Close, Eastcote. Has concerns about the sunlight which is being blocked from properties/gardens in Widenham Close and that regular pruning of this tree will be prohibited by the making of this Tree Preservation order.

### **Observations on the objections to TPO 769:**

6.2 Pruning works can still be applied for via a formal tree works application and there is no reason why reasonable pruning works would be refused.

## **The Objection (3)**

6.3 A third objection was received from Mr Babichev of 13 Widenham Close covering two main points:

### **1. The tree is already protected by virtue of being in a conservation area**

Since the tree is already in a conservation area, it cannot be cut or removed without councils permission.

### **2. TPO status of this tree will prevent regular pruning**

The placing of the TPO on this tree will prevent regular pruning from taking place on this tree which is blocking sunlight from the garden

### **Observations on the objection (3) to TPO 769**

6.5 The conservation area status will not protect the Oak if the Council is given notice to prune or remove it. Only a TPO can prevent unnecessary works.

6.6 As mentioned earlier, pruning works can still be applied for via a formal tree works application and there is no reason why reasonable pruning works would be refused.

## **7.0 Conclusion**

It is recommended that TPO 769 be confirmed.

The following background documents were used in the preparation of this report:

- Provisional Tree Preservation Order No. 769 (2018)
- E-mails and letters of objection to TPO 769, Arboricultural report