

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

**TREE PRESERVATION ORDER NO. 777 (TPO 777):  
OAK AT CATLINS, HIGH ROAD, EASTCOTE, HA5 2EY**



**Photo 1:** The subject Oak tree in the garden of Catlins, High Road, Eastcote (viewed from the junction of High Road Eastcote and Catlins Lane)

## **1.0 Summary**

1.1 To consider whether or not to confirm TPO 777 .

## **2.0 Recommendations**

2.1 That TPO 777 is confirmed.

## **3.0 Information**

3.1 The making of TPO 777 was authorised under delegated powers on 9th May 2019 following a Conservation Area notice (CA/2463) to remove the aforementioned tree.

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 so will provide amenity for decades to come.

#### **4.0 The Objection**

A formal objection (summarised verbatim below) to TPO 777 was received from the property owner (Catlins, High Road Eastcote) for the following reasons:

4.1 Safety Concerns raised by two RICS accredited building surveyors

4.2 The Tree creates a blind spot when accessing and egressing the driveway.

4.3 Subsidence Risk due to the Property being built of lightweight Timber frame and inadequate foundations.

4.4 Asbestos is present in the property and as a result any damage to the property would potentially expose occupants to this hazardous material.

4.5 Potential damage to drainage, water and gas supplies

4.6 As there is no footpath on the left hand side and the road is narrow, it is considered there is a risk of cars impacting tree. This risk is increased by the high number of learner drivers using this junction due to being a test route and nearby Driver test centre.

4.7 If this tree remains it will pose constant stress and worry as to the impact it could cause to the owners life and property.

4.8 Nuisance from lifting block driveway and unwanted falling debris, moss and bird droppings

4.9 The tree takes up a large amount of space within an already small footprint. there is a large amount of trees in the area, especially along the portion of the High Road and across the road in Eastcote House Gardens. This makes the area very closed and cramped, and the Oak tree further blocks light and casts an unwanted shadow.

4.10 Financial impact of regular condition inspections/ maintenance and insurance

4.11 Recommended safe distance of Oak Trees from Properties (resident quotes table 12 Appendix 4.2-A Water demand and mature height of trees from NHBC standards 2011)

4.12 Devaluation of the property

4.13 There has been a number of recent incidents of large oaks collapsing and causing damage within the start of this year.

## **5.0 Observations on the objections to TPO 777:**

5.1 The surveyors the appellant is referring to are building surveyors and not Arboriculturalist consultants as a result they are not qualified to provide an assessment on the tree, no report has been provided by an arboricultural expert.

5.2 The tree does obstruct some views of the road from the driveway, however, there is also a number of small shrubs that restrict the view of cars travelling from High Road Eastcote into Catlins Lane. The amenity value of the tree is deemed to outway the restricted view. There has been no previous requests to remove the tree due to restricted view and as a result it appears to have not been an issue in the past. It should be further noted that the position of the tree is such that its impact on cars is considered to be limited.

5.3 We estimate the tree to be approximately the same age if not older than the property. As a result the structure should have been built with this in mind. This being said if it is proven that the tree has caused subsidence then a formal TPO application with the appropriate evidence can be submitted for our evaluation.

5.4 The presence of Asbestos within the property is not a tree related issue. No evidence has been provided to show that the tree is likely to fall on to the property.

5.5 No evidence has been provided to show the tree roots are causing a problem with the supply of facilities into the property, if in the future problems are encountered then a formal TPO application with the appropriate evidence can be submitted for our evaluation

5.6 The council has never received a report in relation to a car accident involving this tree, the tree is set back from the junction and learner cars are dual control to ensure learners do not drive off the road

5.7 The appellant should seek the advice of a registered Arboricultural Consultant who can provide a written report about the tree's health and answer any concerns they may have. If it is recommended work is required then a formal TPO application can be submitted with the appropriate evidence.

5.8 The dropping of small debris, moss and bird droppings is seen as a nuisance which is easily cleared from the drive with a jet wash. This is greatly outweighed by the amenity value of this tree.

5.9 The tree is situated within Eastcote Village Conservation Area. The removal of this tree would set an undesirable precedent for the removal of prominent mature trees.

5.10 All properties with trees within the grounds have a responsibility to ensure the trees are regularly inspected this is not seen as an unreasonable cost. If work is required a formal TPO application should be submitted this process is free.

5.11 The resident has referred to an appendix which is a table from the National House Building Council this table shows the average mature height of each species and not the recommended distance between a property and a tree

5.12 The devaluation of a property due to a tree is very subjective and trees are known to increase the livability and property values of an area.

5.13 Each tree is an independent entity, this means that the failure of one tree does not mean that this tree is more or less likely to fail. If the property owner is concerned about the safety of the tree then they should seek the advice of an Arboricultural Consultant, if they recommend work to be carried out a formal TPO application with supporting evidence can be submitted.

## **6.0 Other matters:**

Following the Conservation Area Notice (CA/2463) the following comments were received from Eastcote Village Conservation Area Advisory Panel (summarised verbatim below) :

- Should there not be any good reason to remove the tree please would you consider putting a TPO on this Oak.

There was one representative in favour of TPO 777 for the following reason (summarised verbatim below) :

- In the last 30 years there has been a steady reduction in the number of trees in Catlins Lane and this area generally. The magnificent Oak tree on Catlins is a major feature to this conservation area and we feel this should be retained for future generations to enjoy. We would therefore be very much in favour of making the listing a permanent one.

## **7.0 Conclusion**

It is recommended that TPO 777 be confirmed.

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

- Conservation Area Notice (CA/2463)
- Provisional Tree Preservation Order No. 777 (2019)
- Emails of objection and support to TPO 777
- Conservation Area Advisory Panel reply to CA/2463