

REPORT OF HEAD OF PLANNING, TRANSPORTATION AND REGENERATION
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED),
SECTIONS 198-201 AND 203

**TREE PRESERVATION ORDER NO. 778 (TPO 778):
9 KINGS ROAD, WEST DRAYTON**



Figure 1: The Common Ash tree in the rear garden of 9 Kings Road (viewed from the road)

An urgent decision is required on whether to confirm the Tree Preservation Order (TPO) because the TPO was made on 7th June and is only valid for 6 months until confirmed. A decision is therefore required to be made before 7th December to ensure the continued protection of the common ash tree which is considered to be of high amenity value.

1.0 Summary

1.1 To consider whether or not to confirm TPO 778.

2.0 Recommendation

2.1 That TPO 778 is confirmed.

3.0 Information

3.1 The making of TPO 778 was authorised under delegated powers on 7th June 2019 as a result of a request to place a TPO on this Ash tree - due to it being under the perceived threat of being removed which would be detrimental to the visual amenity of the local area.

3.2 This Common Ash tree is an attractive landscape feature that contributes to the amenity and arboreal character of the local area and is one of the more prominent trees to the rear of properties in Kings Road.

3.3 The tree has developed into a good landscape feature and provides high amenity value.

4.0 The Objection (1)

4.1 One formal letter of objection (summarised below) to TPO 778 was received for the following reasons:

1. The tree is a common species and has no real value - The tree is a common Ash and is the third most common tree found in the UK, therefore has no real value in terms of the species.

2. Tree is too close to property - The tree is too close to the house and can grow upto 35m in height and would cause damage to my foundations and property. Therefore, it has to be maintained by lopping regularly.

3. The tree sheds lots of leaves in autumn - The tree also sheds a lot of leaves in autumn and causes a nuisance in the rear garden and gutters.

4. This tree has no real value - The tree has no real value to justify a TPO and this order is just being pursued by local councillors and will be making a complaint to the local authority ombudsman on this issue.

5. Plans show tree is on our land - The title plan shows this tree in our land and the neighbours have tried to illegally take this land.

6. Neighbours complaining about construction of my house - (Comments given do not relate to the TPO).

5.0 Observations on the objections to TPO 778:

5.1 Many common tree species are protected by Tree Preservation Orders, so whether a tree species is common and has a wide distribution or not has no influence on whether a TPO is made or not.

5.2 The proximity of this tree to this building and potential impact should have been taken into consideration when submitting the planning application for its construction. 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 this tree from being managed.

5.3 A seasonal nuisance issue such as this has no bearing on the decision making process as to whether to protect this tree with a TPO or not.

5.4 When an assessment was made on this semi-mature tree it was viewed as making a good contribution to the amenity and arboreal character of the local area - and so the making of this TPO is considered to be justified on amenity grounds.

5.5 Officers have ensured that all properties directly adjoining the property whose curtilage we believe the tree is situated within are aware of the TPO, as such property ownership is not relevant to consideration of whether the Tree Preservation Order should be confirmed.

5.6 The decision to make this TPO has been taken solely due to the perceived threat to this tree as a result of the likely demand for drastic tree surgery or removal of this tree due to its close proximity to the construction.

6.0 Other matters:

There was one other representation regarding the TPO 778 from a resident in Kings Road, West Drayton querying the ownership of this tree. Officers have ensured that all properties directly adjoining the property whose curtilage we believe the tree is situated within are aware of the TPO, as such property ownership is not relevant to consideration of whether the Tree Preservation Order should be confirmed.

7.0 Conclusion

It is recommended that TPO 778 be confirmed.

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

- Provisional Tree Preservation Order No. 778 (2019)
- Letter of objection to TPO 778