

Item No. Report of Head of Planning, Transportation and Regeneration

Address 32 NORWICH ROAD NORTHWOOD HA6 1NB

TREE PRESERVATION ORDER NO. 794 (TPO 794):

Silver Birch in rear garden of 32 Norwich Road

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED),
SECTIONS 198-201 AND 203



Photo 1: The subject Silver Birch in the rear garden of 32 Norwich Road, viewed from Cranbourne Road

1.0 Summary

1.1 To consider whether or not to confirm TPO 794.

2.0 Recommendation

2.1 That TPO 794 is CONFIRMED.

3.0 Information

3.1 The making of TPO 794 was authorised under delegated powers on 19th January 2022 following a recent planning application (35516/APP/2021/2969) which although contained no tree survey would have meant the loss of this Birch. The planning application was refused at planning committee, as a result there was no protection for this Birch.

3.2 This tree is highly visible from Cranbourne Road and significantly contributes to the amenity and arboreal character of the local area - and so merits protection on amenity grounds.

4.0 The Objection

Three formal objections (summarised verbatim below) to TPO 794 were received, two which contained the same information from local residents and one from an Arboricultural consultant for the following reasons:

4.1 No information about how the council have assessed the tree for a TPO has been provided.

4.2 The tree has a poor form and will require ongoing maintenance.

4.3 The council should focus on street tree planting rather than protecting a middle-aged specimen to enhance the local area.

4.4 The branches block the streetlight. The TPO places an excessive obligation on the landowner, given the statutory requirements of the Highways Act 1980 to provide clearance.

4.5 Catkins and debris fall onto the footpath.

4.6 The tree is situated within close proximity to the fence with some distortion already occurring.

5.0 Observations on the objections to TPO 794

5.1 When assessing a tree for the creation of a new TPO we use the TEMPO (Tree Evaluation Method for Preservation Orders) method, and the birch scores a 12 meaning the creation of a TPO is defensible. It is noted that we do not include this assessment within the letter sent to residents.

5.2 The creation of a TPO does not stop appropriate future management but it allows us to assess each work proposal and ensure the tree is managed appropriately.

5.3 We believe it is important to do both: protect existing trees as well as plant replacements.

5.4 The landowner has an obligation to ensure their tree does not interfere with the streetlamp, minimal pruning to abate a nuisance to the light is allowed under an exemption to the TPO application process. As a result, there is no greater obligation to the landowner now the tree is protected.

5.5 The dropping of small debris and Catkins is seen as a minor nuisance and is outweighed by the amenity value of this tree.

5.6 There appears to be minor fence distortion currently, although other than proximity no evidence has been submitted to link this to the tree. If this becomes a concern an application should be submitted, and any evidence will be assessed.

6.0 Conclusion

It is recommended that TPO 794 be confirmed.

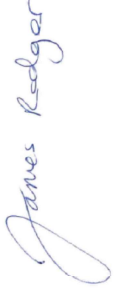
The following background documents were used in the preparation of this report:

- Provisional Tree Preservation Order No. 794 (2022)
- Letters of objection to TPO 794
- Planning application 35516/APP/2021/2969

Appendices

- Tree Preservation Order No. 794 Map
- Provisional Tree Preservation Order No. 794 (2022)

Signed on behalf of the
London Borough of Hillingdon



Authorised by the Council
to sign in that behalf

32 Norwich Road

Tree Preservation Order Number

794

LONDON BOROUGH OF HILLINGDON

Residents' Services

Civic Centre, Uxbridge, Middx, UB8 1UW
Telephone No. 01895 250111

Scale: 1:1,250

Date: January 2022



Town and Country Planning Act 1990
LONDON BOROUGH OF HILLINGDON TREE PRESERVATION ORDER No. 794
(2022)

In respect of

SILVER BIRCH IN REAR GARDEN OF 32 NORWICH ROAD

The LONDON BOROUGH OF HILLINGDON Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as the LONDON BOROUGH OF HILLINGDON TREE PRESERVATION ORDER No. 794 (2022).

Interpretation

2. — (1) In this Order “the authority” means the LONDON BOROUGH OF HILLINGDON.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. — (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

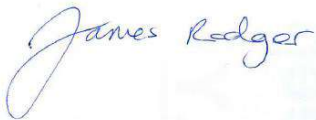
Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this day of

19th January 2022

Signed on behalf of the London Borough of Hillingdon

A handwritten signature in blue ink that reads "James Redger". The signature is written in a cursive style. Below the signature, there is a faint, light blue rectangular stamp or watermark, which is partially obscured by the ink.

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Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Botanical name	Situation
T1	Silver Birch	<i>Betula pendula</i>	Rear garden 32 Norwich Road

Trees specified by reference to an area

(within a dotted black line on the map)

None

Groups of trees

(within a broken black line on the map)

None

Woodlands

(within a continuous black line on the map)

None