

5.1 TPO 4 of 2020

OBJECTION TO THE SERVING OF TPO 4 of 2020:

TPO 4 of 2020 was served in response to a request from a local resident who had concerns that the large mature Oak tree would be felled following the felling of several other trees within the garden of Rough Close.

LOCATION:

Situated upon the boundary within the rear gardens of properties Marlridge and Rough Close, Swan Lane, Edenbridge.

WARD(S):

Edenbridge North East

ITEM FOR DECISION

TPO 4 of 2020 has been served in response to a request that the Oak tree situated on the property boundary, would be felled or drastically pruned by the neighbour. The Oak tree is situated on the eastern boundary of Marlridge and appears to be in shared ownership between Marlridge and Rough Close. This tree has previously been pruned by the neighbour who has also felled several trees within their garden.

RECOMMENDATION: That TPO 4 of 2020 is confirmed without amendment.

Description of Site

- 1 The Oak tree is situated within the rear garden and is located on the boundary between Marlridge and Rough Close, Swan Lane, Edenbridge.

Policies

- 2 National Planning Policy Framework (NPPF)
- 3 National Planning Policy Guidance (NPPG).

Constraints

- 4 TPO 04 of 2020.

Amenity Value and Visibility of the Oak tree

- 5 The Oak tree is situated within the rear garden of the property. It can be seen from the front of the building and from several neighbouring gardens. It appears to be in a sound and healthy condition and so offers a degree of amenity to the local area. The serving of this TPO would prevent its removal, thus preserving its amenity value.

Representations

- 6 An objection has been received to the serving of TPO 04 of 2020. The objector is Mr Alan Fuller of Rough Close, Swan Lane, Edenbridge.
- 7 Mr Fuller objects on the grounds that the serving of the TPO is unnecessary as he has no intention of removing or damaging the Oak tree. A damaged limb had recently been removed from it. He states that the felling that had taken place was necessary as the felled tree was rotten and so had to be removed for health and safety reasons.
- 8 Mr Fuller claims that the serving of the order was directed solely at him and his property as only he and his immediate neighbour have access to the tree or can view it.
- 9 Mr Fuller also claims that due to the distance of the Oak tree to the public highway, it can only be seen from a distance and so is of limited amenity value.
- 10 Mr Fuller also states that there are several other Oak trees located within Swan Lane that are of equal amenity value that are currently unprotected. These should be protected also.
- 11 Mr Fuller has concerns that the serving of this order could affect the future value of his property.
- 12 Mr Fuller is concerned that the serving of this order could affect any future planning application to develop his property.
- 13 Mr Fuller also claims that the Oak tree has been plotted incorrectly on the TPO plan as it sits in the middle of the property boundary. He feels that this has not been demonstrated on the plan.

Appraisal

Consideration of Objections

- 14 TPO 4 of 2020 was served to prevent the felling of the Oak tree from taking place. It was felt that its removal would be detrimental to the local amenity. By protecting this tree with a TPO, does not mean that works may not be carried out in the future, but that control could be exerted to the extent of any future pruning works.
- 15 With regards to the serving of the order being unnecessary, having seen the recent tree works within the rear garden of Rough Close, the serving of the order is considered to be necessary.
- 16 With regards to the serving of the order being directed solely to Mr Fuller and his property, the purpose of the serving of the order is to protect the Oak tree and to prevent any unnecessary works being carried out to it.
- 17 With regards to the lack of amenity value, this tree can be seen from the front of the property and from neighbouring gardens. It is considered to be

of high amenity value and its loss would be noted and would have a negative effect on the local amenity.

- 18 With regards to the presence of other Oak trees within Swan Lane of equal or greater amenity value that are currently unprotected, this may be the case. However, if there is no perceived threat to their immediate existence, the serving of an order to protect these trees is considered to be unnecessary at the moment.
- 19 With regards to the effect of the serving of this order on the future value of the property. This is not a material consideration as to whether or not to confirm a Tree Preservation Order
- 20 With regards to the effect of the serving of the order on any future planning applications, this again not a material consideration, as planning applications are judged on their own individual merit. The presence of a Tree Preservation Order does not automatically mean that a planning application will be refused, but the impact of any proposed development to need to ensure that the impact upon the tree is given due weight and protection.
- 21 With regards to the accuracy of the TPO plan, the purpose of the plan is to indicate the location of the protected tree or trees. It is not required that the tree is plotted with pinpoint accuracy. The question of ownership of this tree is a matter for the property owners.

Expediency of Preserving the Oak tree.

- 22 The Oak tree is prominent within its setting. The loss of this tree would be detrimental to the local amenity. The serving of this order would retain this tree and control would be exerted on the extent of any future pruning works to it.

Conclusion

- 23 It is therefore my recommendation that TPO 4 of 2020 be confirmed without amendment.

TPO plan with Schedule 1

Contact Officer(s):

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Sevenoaks
 DISTRICT COUNCIL
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 Ordnance Survey 100019403.

Tree Preservation Order
 TPO 4 (2020)
 Scale: 1:1,250
 Date: June 2020
 Marlridge, Swan Lane, Edenbridge, Kent, TN8 6AJ
Prepared by the Liff Team, Ardenborough Planning Consultancy

SCHEDULE 1
SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
T1	Oak	Located on the eastern boundary of Martridge, Swan Lane, Edenbridge, Kent.

Trees specified by reference to an area
(Within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

Groups of trees
(Within a broken black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

Woodlands
(Within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

* complete if necessary to specify more precisely the position of the trees.