

PLANNING APPLICATIONS SUB COMMITTEE 27 NOVEMBER 2006

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

SUMMARY

This report seeks to confirm the Tree Preservation Order placed on the tree specified in this report.

REPORT

The tree is located at: 39 Grove Avenue N10

Species: T1: Walnut (*Juglans regia*)

Location: Front garden

Condition: Good

The Council's Arboriculturalist has reported as follows:

A Tree Preservation Order should be attached on the following grounds:

1. The tree is of significant amenity value clearly visible to all local residents from the public place.
2. The tree appears healthy for its species and age and is of good form.
3. The tree is suitable to its location being 10m from the adjacent property.
4. The tree provides a habitat for local wildlife.

An objection has been received from the owner; the grounds are:-

1. That the TPO would prevent the owner from pruning the tree in accordance with good arboreal practice, which could present a theoretical risk in future should a branch become diseased or become an obstruction.
2. That the tree roots have damaged the front boundary wall of the house, and the owner considers that the Council should accept responsibility for such damage in the future.

The Council's Arboriculturalist has written to the owner, pointing out that, provided an application is submitted for works to a preserved tree, works of pruning and general maintenance can be permitted for good arboreal practice. The Local Authority will not accept liability for maintaining the boundary wall; damage to this has occurred prior to the TPO being considered. A new wall could be constructed,

using a raised lintel, to minimise further damage to the wall after rebuilding.

The tree is in a position where it is very visible in the street scene.

The Arboriculturalist considers that the Walnut Tree is a useful amenity feature in the Conservation Area, of good form and appears healthy, with a life expectancy of at least 40 years.

RECOMMENDATION

The Tree Preservation Order upon the aforementioned tree under Section 198 of the Town and Country Planning Act 1990 be confirmed.

Paul Tomkins
Head Of Development Control North