

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: 61 Sirdar Road and adjacent alleyway

Species: T1: Ash

Location: 61 Sirdar Road and adjacent alleyway

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 high amenity value being clearly visible from a public place.
2. The tree appears healthy and has a predicted life expectancy in excess of 20 years.
3. The tree is suitable to the location, significantly contributing to the character of the local area.

2 objection letter received from 61 Sirdar Road & 65 Sirdar Road

- Tree has limited visual amenity value and is not visible from a public place
- Tree has not be maintained for 20 years and is overgrown and can be dangerous
- Poor health / condition of the tree, and has a detrimental impact on the residents
- Tree is unevenly balanced in shape and overgrown with fungus on the bark and bleeding canker on its lower part of the trunk
- The tree is a significant health and safety risk; branches keep falling down damaging properties in the garden, causing danger for children playing in the garden
- Loss of light and loss of amenity
- The tree encroaches most of the garden causing most of the day sun to be screened by the tree

The Council Arboricultural Manager has commented on these objections as follows:

In my opinion the large Ash tree does meet the criteria for a Tree Preservation Order (TPO).

The tree is clearly visible from the public highway in Hawke Park Road N22.

The tree appears to be healthy for its age and species, taking into consideration the condition of the leaf canopy area and the lack of any major defects. The fungus that is visible on one of the old pruning wounds is a species called *Daldinia concentrica* (more commonly known as King Alfreds' cakes).

Ash trees occasionally shed dead branches, as do many other trees. The removal of dead branches from trees subject to a TPO is permitted, without the need to apply to the Council.

The Ash tree has previously been maintained by pollarding. Once you subject a tree to this type of management, it should be repeated on a cyclical basis. If this Ash tree is protected by a TPO, the Council would permit future tree works applications for works that were appropriate in maintaining the health of the tree and the safety of residents.

There is no evidence to suggest the tree is currently causing subsidence damage to any of the adjacent buildings. If in the future, it is alleged the tree is contributing to subsidence damage, the Council would consider any application for works to reduce or remove the tree based on the level of evidence submitted and current case law.

The tree is actually growing on the boundary line between 61 Sirdar Road, N22 and the alleyway between the adjacent property (no's 57-59 Sirdar Road). Where a tree straddles the boundary, ownership of the tree would be split between the two land owners. However, in this case, it appears the alleyway is unregistered land.

In my opinion, this tree does merit a TPO. However, it will also require maintenance works in the future as it is a lapsed pollard and to mitigate some of the nuisance issues experienced by local residents.

RECOMMENDATION

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

Emma Williamson
Head of Development Management & Planning Enforcement