

OBJECTION TO 1no SYCAMORE TREE LOCATED AT 99 STATION ROAD

A TPO as made on 29th January 2021 to protect 1no sycamore tree located at 99 Station Road Forest Hall. The order was served on the owner of 99 Station Road, Forest Hall on 29th January 2021. The LPA has 6 months from the serving of the Order in which to consider any objections.

An objection has been received from the occupier of 103 Station Road Forest Hall in relation to the TPO being placed on the sycamore tree at 99 Station road, Forest Hall.

Relevant planning policies relevant to this TPO confirmation are:

- Town and Country Planning (Tree Preservation) (England) Regulations 2012
- NTC Local Plan policies

The objection to the TPO can be summarised as follows:

1. This tree is not in a conservation area and has not been deemed suitable for a TPO in the past.
2. The tree is a very large sycamore tree which is not a rare variety of tree. It would cause minimal negative impact on the local environment if removed.
3. This tree is a single tree in the backyard of the property and contributes little to the surrounding visual amenity as it can be barely seen from the main road.
4. The tree has not been managed properly in the past and allowed to become too large for its location.
5. Tree roots appear to be damaging the rear lane road surface and potentially underground utilities that serve surrounding properties.
6. Risk of branch failure resulting from high winds that overhang the garden and the back lane.
7. The tree overshadows the garden restricting use.
8. The sycamore produces a lot of tree pollen which affects health.
9. Leaf fall causing a slip hazard for users of the rear lane, also requiring clearing from the garden, and encourages vermin
10. Unmanaged, concerns about future growth and damage to rear lane and underground services.

The sycamore tree is not located in a conservation area

A tree doesn't not have to be located within a conservation area for it to be protected by a TPO. Any tree that provides a level of amenity can be protected. In terms of assessing amenity, the Tree Evaluation Method for Preservation Orders (TEMPO) was used. This assessment was carried out by the local planning authority and is a widely recognised and respected method of assessing tree as an important landscape feature offering significant amenity to the general public.

Concerns relating to the size of the tree and species

There is no legislation as to the presence of an existing tree in relation to urban garden size. Throughout the borough similar juxtapositions can be observed where trees and buildings co-exist in close proximity to each other or mature trees are present in small garden areas. A protected tree would not be removed because it is considered 'too big' or 'too tall' for its surroundings.

It is however acknowledged that due to the tree's proximity to the existing building, periodic remedial work may in the future be required to maintain a reasonable clearance between the canopy edge and building. However, the TPO will ensure that any pruning works are not detrimental to the trees and in accordance with approved standards

In terms of its species, TPO's are not only restricted to native trees and if any tree contributes to the visual amenity of an area, it is worthy of protection by a TPO. Sycamore trees have just as much value in the landscape as any other tree and although sycamores are not a native species, they have been naturalised in the UK for hundreds of years. In North Tyneside, they now form a valuable part of the wider tree assemblage and our urban landscape. More recently the importance of sycamore trees in our landscape has probably increased in recent years since elm and ash have resulted in a major loss of trees within the borough. Its contribution to public amenity is addressed separately.

Public Amenity and single tree

TPOs are administered by Local Planning Authorities (LPA) and are made to protect trees that bring significant amenity benefit to the local area. This protection is particularly important where trees are under threat. A TPO is made in effect of amenity and does not distinct between different types of tree species or its size. Any species of tree can be protected, although a TPO can only be used to protect trees and cannot be applied to shrubs and bushes.

The TEMPO evaluation method takes into account factors such as a tree's visibility to the public, its condition, age and remaining life-expectancy, its function within the landscape (such as screening development or industry), its wildlife or historic value and ultimately its importance to the local environment. Public access to a tree or trees is not a relevant factor for consideration. Whilst this method is more recognised and widely used by local authorities, it must be remembered however that the TEMPO is only used as guidance and to act as supporting evidence to show how the conclusion to TPO or to not TPO is reached. Nevertheless, these factors are taken into consideration to decide whether a TPO is made although as a result of the surveyors judgement rather than a formal method of assessment. If a score of 11 and above is achieved in the assessment, then the trees are considered worthy of a TPO. In this case the Sycamore tree was evaluated with a score of 15 and therefore the decision was made to protect the tree by a TPO.

The sycamore tree is in reasonable health, early maturity, approximately 12 to 15 m high with the majority of the crown clearly visible from public footpaths and highways of Cambridge Avenue. The tree does not only have to be visible from the 'main' road (Station Road) but must be visible from surrounding public footpaths and highways. The tree can be seen at short distance views and as an individual tree, has greater visual impact in the streetscape. Its loss would be considered a visual change and local residents will experience a changed or altered view on a permanent basis.

Lack of tree management and size of the tree

Responsibility for the trees lies with the owner of the land on which the tree is growing. There is a duty for the landowner to take reasonable care to ensure that their trees do not pose a threat to people and property as the owner of the tree is responsible for any damage caused to property or persons by their tree, or part of it, failing. Concerns relating to the size of the tree are addressed elsewhere.

Damage to road surface and underground utilities

A series of photographs have been supplied that show the condition of the rear lane. The sycamore tree overhangs the rear lane. The objection implies that the tree is responsible for damage to the road surface and potentially underground services. However, the road surface is constructed from a variety of surfaces with evidence of past excavations for either new or upgraded services. In parts the road is constructed from concrete slab which has a limited life and tarmac can deteriorate quickly as a result of harsh weather conditions. No evidence has been provided that proves the presence of tree roots in this location or if they are contributing to any damage. This is insufficient information to allow the removal of the tree or withdraw the TPO.

Branch failure resulting from high winds

The fallout of debris from the tree is no more than should be expected by similar trees of normal vigour and is a natural phenomenon that should be expected when living in an environment with established trees. There is a duty for the landowner to take reasonable care to ensure that their trees do not pose a threat to people and property as the owner of the tree is responsible for any damage caused to property or persons by their tree, or part of it, failing. Branch failure does not always render a tree dangerous and often are isolated events, however, regular inspections of the tree by a tree surgeon will ensure that the tree is maintained in a good and safe condition.

Concerns relating to lack of light

The TPO would prevent the removal of the tree for light purposes unless it is demonstrated that a severe restriction has resulted. Remedial tree works such as crown thinning can relieve the situation, but shade is not sufficient reason to allow the removal of the tree or the withdrawing of the TPO. Where requests are made to prune trees to increase light levels, each instance will be assessed on its merits.

Tree pollen and health

The sycamore tree and the other trees in the locality, collectively offer greater benefits and mounting evidence now realises improved health by improved air quality and reduced carbon emissions (as seen by recent COVID-19 events). Whilst there is great sympathy for the health of the occupier of the property, the benefits this tree and tree groups in the conservation area offer to the wider population outweigh the inconvenience they may cause to an individual.

Leaf fall

Leaf fall is a natural and seasonal inconvenience and whilst troublesome it is not legally a nuisance and not sufficient to allow the removal of the tree or withdraw the TPO.

Future growth and management

It is the owner's responsibility to have their trees checked regularly by a competent person and professional arboricultural advice should be sought to ensure trees are maintained in a safe condition. As trees mature, it is natural for them to develop dead wood within the canopy. This can be addressed through simple management and regular inspections as part of a sensible risk management approach and which can reduce the likelihood of problems in the future. The TPO will ensure any works undertaken are carried out in accordance with good arboricultural practices and does not prevent future works from being undertaken but approval from the local authority would need to be sought beforehand.

Conclusion

The sycamore tree is in fair condition, reasonably healthy with no major defects. It is located in a prominent position within the rear garden next to a public highway. It is therefore highly visible to occupiers of neighbouring residential properties and from vehicular traffic and pedestrians on Cambridge Avenue. Therefore, the tree is considered to be an important element of the local landscape. The Order has been properly made in the interests of securing the contribution this tree makes to the public amenity value in the area. The concerns of the homeowner have been fully considered and balanced against the contribution this Sycamore tree makes to the local environment.

Whilst it is acknowledged that the reason for objecting to the TPO, in particular concerns about its visibility, individual impact and wider impact require due consideration, it is not felt that they outweigh the contribution this tree makes to the area.

Due to its prominence within the local landscape, the age of the tree, its health and current condition, and on the understanding that the tree is at risk of being felled, it is considered expedient in the interests of amenity to confirm a Tree Preservation Order on this tree.

It is important to reiterate that, if the Order is confirmed, this would not preclude future maintenance works to the tree. Should any works need to be carried out to the tree for safety reasons, or for any other reason, an application can be made to the local planning authority to carry out works to the protected tree.

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