REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES

to
SOUTH EASTERN AREA PLANNING COMMITTEE
10 OCTOBER 2016

TREE PRESERVATION ORDER (TPO) 4/16 - 7 RIVERSIDE ROAD, BURNHAM-ON-CROUCH

1. PURPOSE OF THE REPORT

1.1 An objection has been received relating to the serving of TPO 4/16 which protects a Silver Maple (Acer Saccharinum) the front garden of 7 Riverside Road, Burnham-on-Crouch. The objection has not been resolved and therefore the question of whether or not to confirm the TPO has been brought before Members to decide.

2. RECOMMENDATION

That Tree Preservation Order 4/16 be confirmed without modification.

3. SUMMARY OF KEY ISSUES

3.1 In March of this year, the Council received a conservation area proposal to fell a Silver Maple growing in the front garden of 7 Riverside Road, Burnham-on-Crouch. The proposal was submitted by the resident of the neighbouring property, Mrs J Staines of 25 Orchard Road, Burnham-on-Crouch. The tree is highly visible and is considered to be significant in the street scene.

3.2 **Ownership**

3.2.1 The tree is owned by Mrs A L Owers of 7 Riverside Road, Burnham-on-Crouch.

3.3 **Objections**

3.3.1 An objection to the serving of the TPO has been received from Mrs J Staines who lives at the adjacent property, 25 Orchard Road, Burnham-on-Crouch.

3.3.2 Mrs Staines has objected to the serving of TPO 4/16 on the following grounds:

- The tree has grown considerably and is on the border of her house and garden.
- The tree is south of her property and blocks light.

3.4 **Tree Officers response to points of objection:**

3.4.1 The base of the stem is approximately 1.5m from the boundary with 25 Orchard Road and approximately 2m from the wall of the garage at 25.

3.4.2 There is no sign of damage to the garage and the distance of 2m exceeds the distance of 0.7m recommended for new tree planting in relation to a garage in BS5837:2012 Trees in relation to design, demolition and construction.

3.4.3 The tree is south of Mrs Staines' property, slightly southwest, and it will cast some shade in the middle of the day. Later in the day, much of Mrs Staines' property is in the shade of properties on the west side of Riverside Road. At the time of year when this will have the greater impact, the tree will have no leaves.

3.5 **Assessment**

3.5.1 The tree in question is medium to large in size and makes a significant contribution to the street scene of Riverside Road, it can also be viewed from Orchard Road.

3.5.2 When assessed using the Tree Evaluation Method for Preservation Orders (TEMPO) [Julian Forbes-Laird]) the tree scored 15 = TPO defensible.

3.5.3 The tree can be easily managed to lessen any impact upon neighbouring properties without impacting negatively upon the amenity value it provides.

3.5.4 Photos showing the tree with and without leaves and the distance from the neighbouring garage are set out in **APPENDIX 1**.

3.6 **The Site**

3.6.1 7 Riverside Road is a bungalow which faces west, the tree in question is on the northern boundary of the front garden.

3.6.2 25 Orchard Road is a corner plot, facing north onto Orchard Road, the west elevation is open to Riverside Road. The garage is on the southern boundary, the tree being 2m south of the garage.

3.7 **Planning History**

- **TCA/MAL/12/00394** – The resident at 25 Orchard Road submitted a Conservation Area notification proposing to reduce the limbs from the Silver Maple, overhanging the garage, by up to 4m.
- **TCA/MAL/16/00157** – The resident at 7 Riverside Road submitted a Conservation Area notification proposing to fell the silver Maple.

4. CONCLUSION

4.1 **Tree Officer's Summary:**

- The tree in question is worthy of a TPO when assessed using a professionally and nationally accepted system of scoring.

- The tree contributes to the street scene of both Riverside Road and Orchard Road.
- The tree displays no visible sign of poor health.

5. IMPLICATIONS

5.1 Government guidelines advise that:

The LPA is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

5.2 If Members decide to Confirm TPO 4/16, the owners have the right to make an application to the High Court to challenge the validity of the TPO. There are specific grounds on which this application must be made:

1. that the TPO is not within the powers of the Act, or

2. that the requirements of the Act or Regulations have not been complied with in relation to the TPO.

5.3 There are costs involved in this procedure which can be awarded. An application must be made within six weeks of the date the TPO was confirmed.

Background Papers:
- TPO 4/16
- Site photos

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