



PLANNING COMMITTEE:

DATE 3rd December 2020.

Report of: Corporate Director of Place & Community

**Contact for further information: David Thornber (Extn. 5114)
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**SUBJECT: OBJECTION TO A TREE PRESERVATION ORDER (TPO) PRIOR TO
CONFIRMATION – LIME TREE AT 9 GRANVILLE PARK AUGHTON.**

Wards affected: Aughton and Downholland Ward.

1.0 PURPOSE OF THE REPORT

1.1 To consider objections to a Tree Preservation Order (TPO) No 8, 2020. (The Order) from the owner.

2.0 RECOMMENDATIONS TO COMMITTEE

2.1 That the TPO No 8, 2020 be confirmed without modification.

3.0 BACKGROUND

3.1 In response to a notification for tree removal (211 notice) to remove a lime tree and Sycamore at 9 Granville Park Aughton, it was considered expedient in the interests of amenity to make a single Lime tree subject to a TPO, which was made on 21st August 2020.

3.2 The Lime is mature, in good condition, multi-stemmed in habit, typical of the species with a potential useful life of many years.

4.0 CURRENT POSITION

4.1 The Council has received a letter of objection from the owner of 9 Granville Park to the making of the TPO.

4.2 The owner's grounds of objection to the TPO can be summarised as follows.

- The tree overshadows our garden, impacting on our ability to enjoy using our amenity space
- During the summer months the tree T1- Lime, reduces daylight and sunlight to the garden area
- The property sits on a corner plot and there is no rear garden, just 2 side gardens. The side garden to the north offers little privacy therefore we try and use the garden to the south but this is overshadowed by the Lime tree
- During spring and summer, T1-Lime casts shadow across 85% of this garden from 12:30pm through to 8pm
- Overshadowing and lack of sunlight in the garden affects the wellbeing and mental health of the family and the enjoyment of our property, particularly during the stressful COVID situation such outdoor space is more valuable to families.
- T1 – Lime deposits a large amount of sap during the spring and summer months which settles on the patio, walls and furniture below
- The tree attract a large number of wasps and family members have been stung when using the garden area resulting in serious allergic reactions
- The tree overhangs our neighbours' roof (7 Granville Park). Recently they had their entire roof professionally cleaned, however now less than 12 months later, the northerly side of the roof beneath the tree is once again black with SAP deposits
- Fully accept that we purchased the property with the tree in situ, but at that point were unaware of its impact
- Invested heavily in refurbishing property but no useable gardens to enjoy
- Would be happy to plant a replacement tree
- Understand the importance of trees in the Conservation Area

5.0 OBSERVATIONS OF THE CORPORATE DIRECTOR OF PLACE AND COMMUNITY

- 5.1 The Lime tree (T1) is visible between buildings and from the public highway on Granville Park and makes an important contribution to the street scene. The Granville Park Conservation Area Character Appraisal indicates that one of the key characteristics of the Conservation Area is extensive tree and shrub cover and that the mature trees visible over rooftops and between buildings prove an important backdrop to the built development.
- 6.2 The Lime Tree (T1) tree is healthy, has a useful life of many years and contributes to the appearance of the street scene and Conservation Area (see photographs in appendix)
- 6.3 In 2018 the Council received a notification for the removal of a mature Lime tree, similar in stature, situated along the same south, western boundary of the property. Although the tree made a notable contribution to the visual amenity of the Conservation Area, it was not considered appropriate to protect it via the TPO procedures. This tree has since been removed resulting in a reduction of shading and light obstruction to the garden and thereby allowing the residents of the property to have a more user friendly amenity space.
- 6.4 Whilst it is recognised that the Lime tree (T1) does impose some constraints to the garden of 9 Granville Park in respect shading and light obstruction,

obstruction of the sun will depend on the time of day and the height of the sun in any particular month of the year.

- 6.5 Although there are times in the day that the tree will block light, the removal of the mature Lime tree in 2018 will have substantially increased the amount of light to the property.
- 6.6 Were the TPO to be confirmed there remains potential for the applicant to apply to prune the tree to thin out the density of the crown and further reduce shading impact. Such works would need to be approved via a TPO application for works.
- 6.7 The sap referred to is honey dew caused by Aphids. Such a nuisance is a common law one and not usually considered as grounds for tree removal. It is a natural occurrence for Wasps, Bees, Hover Flies and Moths to feed on the flowers of Lime trees. Trees encourage biodiversity in this regard.
- 6.8 The Council has not received any other objections with regard to possible nuisance to the neighbouring roof at 7 Granville Park.
- 6.9 In my view Lime tree (T1) makes a valuable visible contribution to the Conservation Area and its impact on light/ shade and usability of the domestic garden at 9 Granville Park is not so severe to justify allowing removal of the tree. Therefore I consider that the TPO should be confirmed.

7.0 SUSTAINABILITY IMPLICATIONS

- 7.1 By encouraging and promoting appropriate management of trees and woodland the Council can influence the benefits that trees may provide which include:-
- Enhancement and maintaining the environment through nature conservation by providing wildlife habitats.
 - Reduction of the 'Greenhouse' effect by fixing atmospheric carbon from the air and the release of oxygen.
 - Improving and maintaining air quality by filtering out particulates from the atmosphere.
 - Visual enhancement by acting as screening between the built environments.
 - Reducing noise pollution particularly along roads.
- 7.2 The removal of the tree would lead to a notable loss visual amenity and some loss of the benefits associated with biodiversity.

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 8.1 None.

9.0 RISK ASSESSMENT

- 9.1 The actions referred to in this report are covered by the scheme of delegation to Officers and any necessary changes have been made in the relevant risk registers.

10.0 CONCLUSIONS

10.1 It is considered that retention of the tree would not prevent the reasonable enjoyment of the property.

Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

| <u>Date</u> | <u>Document</u> | <u>File Ref</u> |
|---|--|-----------------|
| | The Tree Evaluation Method for Preservation Orders. (TEMPO). Guidance on assessment of trees. | TPO/8/2020 |
| 20 July 2020 | Notification for tree works at 9 Granville Park. | T/2020/0131/TCA |
| 02 Aug 2018 | Previous notification for tree works. To remove a Lime tree at 9 Granville Park. | T/2018/0083/TCA |
| 9 th and 25 th August 2020. | Letter and email of objections | TPO/8/2020 |

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

1. TPO Schedule and Plan.
2. Completed form for the Tree Evaluation Method for Preservation Orders. (TEMPO).
3. Photographs of the Lime tree.