

Planning Committee

3 April 2024



	Tree Preservation Order
TPO No.	TPO293/2023
Site Address	35 The Avenue, Sunbury-on-Thames, TW16 5HY
Date Served	08 December 2023
Expiry Date	08 June 2024
Ward	Sunbury East
Case Officer	Emily Archibald
Executive Summary	Confirmation of TPO293/2023
Recommended Decision	Confirm without modification

MAIN REPORT

1. Details of Order

- 1.1 On 8th December 2023, Tree Preservation Order (TPO293/2023) was served with immediate effect to protect 1 x Oak tree in the rear garden of 35 The Avenue, Sunbury-on-Thames, TW16 5HY.

2. Background

- 2.1 The Oak tree is situated in the rear garden of No. 35 The Avenue; however, it is visible from the Street and also from Sunbury Park to the rear.
- 2.2 The western rear boundary of no. 35 The Avenue is located immediately adjacent to Sunbury Park and the Lower Sunbury Conservation Area.
- 2.3 The Planning Department was made aware that no. 35 The Avenue had recently been sold, and as such, a TPO request was received by a concerned resident who was worried at the possibility of the Oak tree being removed.
- 2.4 The Council's Tree Officer visited the site on 29th November 2023. The owner mentioned to the Tree Officer during the site visit that they might want to extend the property, but no details were available at the time of visiting.
- 2.5 The Tree Officer assessed the tree and concluded that the Oak appears healthy and stable and is showing no obvious signs of disease or decay. The

Officer noted that the upper crown is easily visible from The Avenue and Sunbury Park.

- 2.6 It was considered that the Oak situated within the rear garden of 35 The Avenue is under a reasonable amount of threat to warrant protection by a TPO. The Local Planning Authority concluded that the Oak tree should be retained and therefore deemed it necessary to preserve the tree by serving a Tree Preservation Order.
- 2.7 Subsequently, on 8th December 2023, the Council served an emergency Tree Preservation Order (TPO293/2023) on the landowner by recorded delivery, adjoining landowners/occupiers, and all other interested parties.

3. Third Party Representations

- 3.1 The Council received one letter of objection within the consultation period.
- 3.2 The letter of objection included a Tree Risk Assessment Report, a Tree Evaluation Method for Preservation Orders, (TEMPO) and a summary report which raised the following concerns. The Council's Tree Officer has provided comments in response to each point raised which are summarised below –
 - 1) *While inspecting the oak, I observed extensive heartwood decay throughout the tree's buttress roots and evidence of it in its trunk and branches. Decay throughout the tree's structure presents a risk of harm. The decay within the tree renders it more likely to shed branches in high winds, and the risk of this should be managed to minimise the potential for uncontrolled branch failure.*

The Council's Tree Officer agrees that there is minor decay present in parts of the trees structure but in the absence of any evidence of aggressive fungal infection, considers that if the tree is managed with appropriate pruning, then retention of the tree is desirable. The placing of a TPO on the tree does not prevent appropriate pruning but requires an application to ensure the works are appropriate. An application - 24/00084/TPO - was subsequently received which proposed to 'reduce the lateral branch tips to within 8m of the trunk, removing 2-3m of their length and cutting back to suitable side branches with a final cut diameter not exceeding 100mm. Reduce height from 19m to 17m by pruning approximately 2-3m off the branch tips and cutting back to suitable side branches.' This has been agreed in a Decision Notice dated 06 March 2024.

- 2) *Consequently, the oak's long-term potential will likely be shortened, so I consider the TPO to be of only transitory worth.*

The Council's Tree Officer considers that appropriate pruning of the tree, which has been applied for and granted, is likely to mean that the oak will continue to give value in the street scene for many years.

- 3) *The guidance states that making a TPO may be expedient when a property changes ownership. While saying that, making an order where a tree is under good arboricultural management may not be expedient. The owner has no intention of managing the tree inappropriately but seeks to prolong its life through good arboricultural husbandry.*

The Council's Tree Officer confirms that the owner has indicated wishes to keep the tree but also mentioned during the site visit, a desire to extend the property. If a TPO is in place it allows a greater level of consideration of the health and longevity of the trees in any subsequent proposal.

4) *The tree is presently not of particular visual importance in the landscape, as one needs to look for it rather than standing out as a prominent feature. The oak is obscured in views from the road by the house, and it is not visually significant in views from Sunbury Park due to the presence of other foreground trees. Consequently, removing the tree from the landscape would not be particularly noticeable from a public visual amenity perspective. The order does not benefit public visual amenities but is a restrictive measure upon the owner with good arboricultural management intentions.*

The Council's Tree Officer completely disagrees with this statement. The tree is visible in the street scene. In The Tree Risk Assessment Report submitted with the objection, the surveyor concludes in section 6.2 '*The tree will benefit from crown reduction which will not harm its health or public visual amenity value*'. The site photograph of the oak taken from Thames Street shows the tree from within the public realm and this would be the case even after the proposed pruning.

5) *For the reasons given above, it was not expedient to make the TPO, so I respectfully request that the TPO be revoked.*

The Council's Tree Officer considers that the oak tree is clearly visible in the street scene and the potential for future building work may put the tree at risk. A TPO is required to safeguard the tree for future generations.

4. Conclusions

4.1 Ultimately, the Tree Officer has concluded that the Oak pays a positive contribution to the street scene in The Avenue, and therefore the risk created by possible development opportunity was enough to warrant its protection by TPO.

5. Recommendation

5.1 That Tree Preservation Order 293/2023 relating to No. 35 The Avenue, Sunbury-on-Thames, TW16 5HY be confirmed without modification.