



Mrs E Shaffner
51 Orchard Grove
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RG4 6NF

Frances Martin
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26 July 2021

Your contact
is:

Sarah Hanson, Planning and Building Control

Dear Mrs Shaffner

RE: PROPOSED FELLING OF ONE OAK TREE AT 51 ORCHARD GROVE, READING - T3 OF TREE PRESERVATION ORDER NUMBER 68/01.

Thank you for your application of 4 June 2021, regarding the above.

Further to my visit on 21 July 2021, I have the following comments:

As you are aware, the felling of the Oak was refused last year - application reference 200714, with no appeal made. Alternative works were approved under that application to reduce the size of the crown, which you confirmed was undertaken.

The condition of the tree does not appear to have changed since the determination of 200714 and no arboricultural concerns have been raised, hence no such grounds are cited as a reason to fell. The reasons explained in your application and reiterated on site relate to the nuisance factors resulting from the tree, particularly bird droppings. Your application states the following:

The above oak tree canopy covers our entire back garden. We raised last year that this causes a significant impact as we are permanently impacted by the pigeons that sit in the tree and permanently drop.

To be able to sit in the garden, we have to be completely under an umbrella - of which we have three - to avoid being dropped on. Washing on the line is routinely dropped on. Sitting on the lawn in the sun, you are dropped on. We are simply unable to enjoy our garden and this is impacting my mental health.

I wish to apply for the tree to be felled. It was cut back last year from over our decking however this has not improved the situation. I will replace the tree with a

smaller tree that will grow in the same area and can grown again over the years to be the same size but will not impact my family and our enjoyment of the garden. I have two young sons wishing to play in the garden. I want to be able to sit in my garden in the spring and summer. I want to be able to holiday in my garden for another staycation. I want to be able to put washing out daily for my family of four and not know which item will be dropped on and washed again. I have attached photos of my washing yesterday. After washing up after lunch, I dried all the cutlery before realising that the tea towel had droppings on it. I have attached a photo of the decking that was jet washed twice this week and the droppings within THREE hours. This will not look much to you. Our garden is an extension of our living and our home. We cannot enjoy it due to the size of the tree. Please, please help as this is significantly impacting me.

As stated in the decision notice for 200714, the Oak in question is one of three Oaks successfully retained during the development of Orchard Grove. The tree is highly visible from various locations, including from Lowfield Road (a main route through Caversham Park Village) and as such provides high amenity value to the vicinity. The removal of the tree would have a significant detrimental impact on amenity and has not been justified in arboricultural terms.

During my visit you reiterated your concerns which relate to bird droppings and have sent a number of photographs of washing affected by droppings. You explained that the reduction carried out last year did not alleviate the issue and you indicated that you didn't feel a minor reduction, and thereafter maintaining the tree at that size, would resolve the issue. Hence you see felling as the only option.

As explained during our meeting, bird droppings (along with other natural, nuisance issues) are commonly cited reasons for tree work and felling. Given the urban nature of Reading, protected trees are often in conflict with residents from this respect and allowing the felling of all such trees would have a highly negative impact on the borough. Approving the felling of one tree on the grounds of bird dropping nuisance would set a very unwelcome precedent at a time when the retention of trees and increasing the canopy cover is a high priority as a result of our climate emergency declaration and adoption of our second Tree Strategy earlier this year. As such, and given the high amenity value of the Oak, the reasons put forward in support of your application are not considered to outweigh the amenity that would be lost, hence the felling of the tree is REFUSED.

The refusal of the felling of this Oak is consistent with other similar refusals, with one in particular being of relevance. Whilst the reasons for felling were different (shading), the application related to the felling of a similar sized Oak in the similar sized rear garden of 7a Dellwood Park in 2019 (application ref 191031); the tree also retained as part of the development and provides amenity value. This refusal was subject to appeal, the appeal being dismissed - ref APP/TPO/E0345/7536 (dated 08/4/21).

For information, your neighbour at 7C Lowfield Road commented on this current application, supporting the felling in order that her TV signal is not and (based on its recent new location) will not be blocked in the future by the tree. Whilst you have not

included this in your application, I am mentioning it for completeness and consider that the blocking of her aerial would also not be a reason to fell the tree for similar reasons as given above.

As confirmed, in response to your question, a fine of up to £20,000 can result from the felling of a protected tree without authorisation. I would also add, for information, that if a person was found guilty in court of that offence, this would result in a criminal record.

You posed the question of whether: *'If the tree can be felled, is there any option for us to contribute to the RBC tree planting funds as a return? I know we can plant as we want to but is there something more significant that would support our application?'*

As advised, when approval is given for felling a tree the expectation is that a replacement (if one is required) is planted within the curtilage of the property. It would have to be exceptional circumstances that result in payment for an off-site tree instead. If you meant providing a contribution as well as replanting on your property, whilst this would be welcome, it is not a factor that would assist an application if the felling of the tree is deemed to be unacceptable. As you might appreciate, such a financial contribution could question the integrity of the Council's decision.

If you wish to appeal against the refusal to allow felling, please contact the Planning Inspectorate within 28 days of receipt of this letter to obtain the relevant forms:

The Environment Appeals Team, The Planning Inspectorate, Room 3/25, Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

Email: environment.appeals@pins.gsi.gov.uk

Tel: 0117 372 8192

Website: [Tree preservation order appeal form - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

If you suffer any loss or damage as a result of this refusal of consent, you may be entitled to recover compensation from the Council. If you wish to make a claim you must do so within 12 months from the date of this decision (or, if you appeal to the Secretary of State, within 12 months from the date of his decision). Claims should be made in writing to the Insurance Section, Reading Borough Council, Civic Centre, Bridge Street, Reading, RG1 2LU.

If you require any further assistance, please do not hesitate to contact me on the above number.

Yours sincerely

Sarah Hanson

Sarah Hanson
Natural Environment Officer