



Mr D White
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Frances Martin
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8 June 2021

Your contact
is:

Sarah Hanson, Planning

Dear Mr White

RE: PROPOSED FELLING OF ONE OAK TREE AT 73 KILN ROAD, READING - T1 OF TREE PRESERVATION ORDER NUMBER 18/11

Thank you for your application of 11 May 2021 regarding the above, with accompanying photographs to demonstrate the points within section 5 of your application form.

Further to my visit of 26 May 2021, I have the following comments:

The mature Oak tree appears to be in good physiological condition relative to its age and previous pruning history. The tree sits, with a neighbouring mature Oak at No. 75, opposite, but distinct from, Clayfield Copse, which is an Ancient Woodland. Historic maps from 1880 show these two Oaks to be remnants of a tree lined road/lane and they would have been around 100 years old at that time:



Oaks of mature age can also be seen on the field boundary north of the site (just outside the borough) and at the front of 33 Kiln Road (albeit of reduced stature). No doubt the remainder were lost during post-war housing development along Kiln Road, making the Oaks at 73 & 75 even more important.

The Oak in question has a girth of 3.25m, hence a diameter of just over 1m. As such it is, with reference to Woodland Trust / Ancient Tree Forum guidance, considered to be a 'locally notable' tree. The tree has 'veteran' tree features, associated with its past management, such as cavities, dead wood and fungal brackets. The tree is of significance locally, historically and for its ecological value hence significant evidence is required to support felling in order to outweigh the value it provides.

In terms of amenity, you suggest that it *'provides little amenity value, especially against the backdrop of Clayfield Copse only a few metres away. If viewed from the western side the tree blends into the woodland backdrop and is only prominently in view for a very short stretch of Kiln Road (approximately from the junction of Venetia Close). Approaching from the north side, this tree is not visible until directly underneath it, being obscured by the Oak at No. 75'*.

Viewing from the western side is viewing from the property itself, i.e. not a view that the wider public would have, therefore I put little weight on that, albeit several gardens to the rear may view the top of the tree over the house. I agree that the Oak is obscured from the north by the Oak at No. 75 however, it is a separate tree clearly visible to the public, with its own amenity value and stands distinct from both its neighbour and the copse on the other side of the road. I am wholly satisfied that the tree provides sufficient amenity value to warrant a TPO and for its felling to have a detrimental impact on amenity.

In relation to the tree's condition, several points you have included raise concern for you about the tree's health/stability. Whilst concern over its health is not indicated on section 4 (1) of the form, you confirmed in an email of 11/05/21 that you took that question to mean concerns over immediate risks, which you don't consider to be relevant. As you have noted, the tree has been previously topped which was acknowledged by the Council at the time the TPO was made in 2011 and specifically when dealing with a previous tree works application in 2012 (ref 12/00020/WTPO). The application (made by a previous owner) sought approval for a 25% reduction, which was refused. In the decision letter, the following advice was given:

'As mentioned above, the tree has been topped in the past. It would be prudent to employ a tree contractor to carry out a climbing inspection to inspect the point at which the tree was previously topped to determine the extent of any decay present.

Recommendations/justification for work may result from this inspection, which should be forwarded to the Council for approval. If the tree is determined to be sound, you may also wish to seek advice on alternative works to alleviate your concerns'.

It does not appear from our records that this advice was taken, and your application gives no indication that such a climbing inspection has been carried out. You state: *'previously topped, resulting in large, 'weekly attached' branches that are at risk of failing'*. Felling the tree is considered to be an excessive response to this, particularly when no inspection has been carried out to determine the extent of decay to consider alternatives to felling.

You mention a number of cavities, wounds and potential decay, all of which I checked to

confirm your findings on site. Such features are to be expected on a tree of this age and in the urban environment where it has been subject to pruning. However, without decay detection investigations having been undertaken, the felling is considered premature. It is not appropriate to fell a tree of this significance on a 'just in case' basis. Similarly, with the root damage noted, further investigations are required to demonstrate that the damage and resulting decay and/or reduced structural root system is such that felling is justified with the associated loss of amenity, habitat and historical link. In addition to traditional decay detection, the use of Tree Radar (specialist ground penetrating radar which picks up tree roots) could be considered.

The presence of a desiccated fungal bracket was noted but presence of fungi is integral to, and part of, the natural life cycle of an Oak and not of concern unless evidence of associated decay is provided that demonstrates the need to fell, or prune, the tree.

In relation to the epicormic growth on the stem you state: '*extensive and unsightly epicormic growth reducing amenity value and suggesting the tree is stressed*'. Such growth is common on maturing Oaks and is most likely in response to the loss of the tree's top in the past. The retention of this (subject to appropriate clearance above the drive, pavement and road) will be important for the tree's future health. If the tree has to be reduced in the future, the more dormant buds and epicormic growth, the better the chance of a positive response to the reduction. The matter of its appearance is subjective but is of little importance considering it's benefit to the tree.

In relation to the issues raised regarding bird droppings on the driveway and car, I'm sure you will appreciate that in an urban environment this is a commonly cited concern and not one taken, alone, to be a reason to fell a tree of high amenity value. The concern is appreciated but I'm afraid little can be done to alleviate this concern, with felling being the only, but extreme and unacceptable, option. The same applies to damage from natural tree debris (acorns, twigs etc).

In relation shading, you state that '*the shade cast by this tree makes the inside of the property dark*'. It is appreciated that this is a concern and due to the proximity of the tree to the dwelling, shading will always be an issue. Pruning, i.e. alternatives to felling, could be considered to alleviate this concern and that relating to the gutter, albeit the latter could be assisted with gutter covers too. It is appreciated that pruning will only assist to a certain degree, however the tree was present before the house was built and the TPO was in place when Ms Benson purchased the property, hence this should have been considered prior to purchase.

The matter of taking the tree into account when purchasing the property is an important and relevant one that has been quoted in a previous appeal decision for another Oak in Caversham (APP/TPO/E0345/7536), which was dismissed, the Inspector commenting that:

'When purchasing a property within a very pleasant and attractive area with large trees, it should be accepted that those trees are an integral part of that environment; otherwise the result would be a gradual erosion of the character and appearance of that area, as trees that people later object to are lost. Presumably the choice of residents to buy their respective dwellings has been based, in part at least, on its position within an

attractive environment'

Lastly, you state that: *'The structure at 73 Kiln Road has suffered subsidence in the past which is commonly linked to trees in proximity to buildings. This, combined with the above, is causing Ms Benson a great deal of mental anguish and stress'*. You provided a photograph indicating a gap between part of the front bedroom window as evidence of this. I note that in section 4 (2) of the application form you ticked 'no', i.e. that there was not alleged damage to property. In addition, no supporting technical evidence has been provided to demonstrate that the tree is the cause of the damage noted, therefore, no weight is put on this in determining this application to fell. It may be useful for you and Ms Benson to know, however, that this matter was explored in some detail following service of the TPO in 2011. In our response to objections to the TPO, in which subsidence was raised, the following constituted Officers' response on the matter:

I note that the property was previously underpinned. Our Building Control file from 1990 states: 'Underpinning and slab replacement to correct damage caused by soil heave'. The file also indicates that the soil is a clay soil. Where a tree is implicated in building related damage, it is normally subsidence that is the problem. It is unusual for a tree to be cited as the cause of soil heave other than following its removal when it is no longer extracting water from the soil. Having viewed the file, there appears to be no mention of the tree.

In relation to any new damage, with a tree in close proximity and being on clay soil, it is common to assume that the tree is the cause of the damage and in some cases, it is proven to be the case. However, clay soil can cause building related damage without the presence of vegetation. I assume you would be seeking professional advice from a structural engineer on any current damage and how this should be resolved. They may consider the underpinning done previously as part of their assessment and why further damage is still occurring.

If any investigations carried out prove that the Oak tree is the cause or significant contributory factor to the building damage, then we would re-consider the protection of this tree. Until such time, however, a TPO is considered appropriate

Ms Benson therefore purchased the house with, I assume, full knowledge of the property's history and the problems cited in 2011 which were not pursued.

For information, Reading Tree Warden Network have objected to the felling of the Oak - their comments can be viewed on our website if you so wished.

In conclusion, the proposed felling of the Oak tree is refused as none of the arguments put forward in support of felling are considered acceptable nor do they outweigh the value provided by this tree, for the reasons given above. If you wish to appeal against the Council's decision on this matter, please contact the Planning Inspectorate within 28 days of receipt of this letter to obtain the relevant forms:

The Environment Appeals Team
Trees and Hedges

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: 0303 444 5584

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

C.c. Ms A Benson, 73 Kiln Road