



Mr N Wilson
Beechwood Tree Care Ltd
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Frances Martin
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26 July 2021

Your contact is:

Sarah Hanson, Planning

Dear Mr Wilson

RE: PROPOSED FELLING OF ONE LIME TREE AT 7 PORTWAY CLOSE, READING - SUBJECT TO TREE PRESERVATION ORDER NUMBER 72/01.

Thank you for your application of 17 May 2021, regarding the above. I am sorry for the delay in responding as a result of current extreme workload.

In support of your application to fell, you have provided the following documents:

- Specification of works, reasons for works based on arboricultural advice from Neil Wilson
- Location plan
- Two photographs - one from the street and one close up of the lower stem (above decking) and a (relatively small) fallen branch
- '7 Portway Close - Structural Report - Proposed Tree Removal' from Michael Aubrey Partnership, Structural Engineering Consultants

Of relevance from a Local Planning Authority perspective are the following:

- 141696/HOU - planning application for a single storey extension - withdrawn, partly on tree grounds
- 170055 - planning application seeking confirmation that a specific proposed rear extension fell under 'permitted development' - this was confirmed.
- 170343 & 170368 - Building Control applications, both dealt with by an Approved Inspector, not RBC Building Control, hence RBC have no record of foundation specifications.
- 200712/TPO - approval given to reduce the tree and crown lift with informative attached regarding 170055 and advice to cut back the decking away from the base of the tree.

For clarity, in relation to 170055, the agreement given was purely that planning approval was not required for the rear extension proposed. However, Permitted Development Rights do not override a TPO hence liaison should have taken place to agree the ground works with the Natural Environment Team - this was not done, hence any roots severed was a contravention of the TPO. In addition, the decking has been installed without liaison with the Natural Environment Team hence any root damage that occurred for the installation of this would also be a contravention of the TPO. I am aware that these works were undertaken by the previous owner.

The Lime tree in question has been protected since 1964, prior to the houses in Portway Close being constructed; the most recent TPO being made in 2001 as a result of the review of the original. It is unfortunate that the house was built without allowing greater space for the future growth of the tree. The concern over the relationship between the tree and the house / garden has been exacerbated by the decision of the then owner in 2017 to build a rear extension, thereby bringing living accommodation closer to the tree and reducing the size of the garden in which it sits further. This was then worsened by the installation of decking meaning the Lime is now within a less than ideal decked area, rather than a larger garden, as it was.

In amenity terms, the tree remains highly visible in the surrounding area due to its significant height, being considerably higher than the roof of the houses, and it can be clearly seen from Littlecote Drive to the west, A4 Berkeley Avenue to the south and within Portway Close. It also contributes to the general verdant character of the area. I don't find your comment that *'The local area has plenty of tree cover and therefore any loss of visual amenity will be minimal'* to be true given the significance of the tree as an individual specimen.

In determining this, and any application to fell, the Council must consider whether the reasons put forward in support of felling outweigh the loss of amenity that would result from its felling.

In relation to the 'Specification for works' document, I note the various arguments you have put forward to support the felling on arboricultural grounds, dealing with the condition of the tree, characteristics of the species, appropriateness for its location, nuisance factors, dismissal of alternative works, risk and safety concerns from the applicant. These are all noted.

The report from the structural engineers confirms that a traditional concrete trench foundation was used for the rear extension and this is deeper than 0.9m. Photograph 2 in the report show roots present. I consider it inevitable that some roots from the Lime tree (approx 4m from the rear elevation, rather than 'directly outside the back door' as you have stated) will have been cut to build the extension, albeit no major roots can be seen in the photographs - this shows both a seemingly blatant disregard for the TPO status of the tree (from a legal perspective) or any regard for its future health (no problems are currently evident), which the current owner will have to consider. Also, the addition of the extension shows poor judgement, especially given the concerns previous occupiers & owner raised regarding the suitability of the tree's location, heightened by this extension.

However, Mr & Mrs Szmolka are relatively new owners of the property and bought it with this extension and decking in place and with the tree being evident and protected. The acceptability of the tree should therefore have been considered in purchasing the property.

I note that the structural engineers report confirms that the removal of the tree would not be expected to cause issues with regard to future heave.

During my visit on 13 July 2021 I viewed the tree from within the rear garden to appreciate the concerns raised. It is a highly significant, large, mature, twin stemmed specimen that appears to be in good physiological health with vigorous basal epicormic growth. Your submissions have not raised any concerns about the health (physiological or structural) of the tree. I note your comments that the *'location of the tree, means it is exposed to significant wind stresses which I believe have led to the branch failures'* and that *'The exposed nature of the location and the size of the tree mean it is likely to suffer the full force of bad weather in the future and it is highly likely failure will occur again in some form and pruning cannot eliminate this risk'*. I am unclear (as no explanation is provided) as to why you consider this location to be particularly exposed and exposed to such an extent that you consider failure as almost a foregone conclusion.

Due to the presence of the decking, which has not been cut back around the trunk as recommended last year, it is not possible to view the base of the tree to check for any defects or presence of fungi. In order to allow for future growth of the tree and to enable a full inspection of the lower trunk, cutting back the decking is now considered essential to prevent harm to the protected tree and to ensure that the base of the tree is in a satisfactory condition, i.e. that any defects which may be present on an older tree of this size can be seen. It is assumed that there are no concerns about the health of the tree as none have been raised.

I noted that the tree canopy covers the garden and has begun to overhang the house as well. Tree debris - leaves, small twigs - were noted on the decking which are normal and expected with a mature tree of this species.

You state that *'It is accepted within the Arboricultural field that trees have the potential to fail structurally, without prior manifestation of any reasonably observable symptoms and their physiological and structural condition can change rapidly in response to a wide range of biotic/abiotic factors'* and consider this to be a reason to allow the felling based on the harm that could be caused if the tree (or, I assume, part of it) failed. If this argument were accepted, it would result in the loss of countless trees in the borough on a 'just in case' basis, which would be highly detrimental to the tree coverage. You have provided no evidence to suggest that there are defects in the tree that question its structural integrity and it does not appear that a full inspection has been done to pick up any such issues.

I note that your client is happy to replant a new Lime which is a positive attitude, but I have to question the feasibility of planting a new tree anywhere in the curtilage, given the frontage is entirely hard surfacing and the rear garden is entirely decked. This makes the retention of the Lime even more important, until such time as its felling is deemed

acceptable. Our second Tree Strategy adopted earlier this year includes the aim of increasing the canopy cover within the borough, partly as a response to the Council's climate emergency declaration in 2019. The loss of a large tree is therefore a concern due to the resulting canopy cover loss which would not be replaced.

Further to my visit, I have considered the evidence put forward in support of the felling and the information gathered during my site visit. Given the significance of the tree in question and that the situation with the tree and house/decking has not changed since purchase of the property, the felling is REFUSED. The reasons put forward are not considered to outweigh the significant amenity value that would be lost from the felling of the tree.

Alternative works could be considered in a new tree works application, e.g. crown reduction back to previous points, crown lifting and crown cleaning (removal of dead, dying, low vigour, crossing/rubbing branches).

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

Trees and Hedges, Room 3A Eagle Wing, Temple Quay House, 2 The Square
Temple Quay, Bristol, BS1 6PN
Telephone: 0303 444 5570
E-mail it to: treeandhedgeappeals@planninginspectorate.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

C.c. Mr Szmolka, 7 Portway Close