



Mr K Hart
Tamla Trees Ltd
Vintners
Fugelmere Road
GU51 3BB

Frances Martin
Executive Director for
Economic Growth and
Neighbourhood Services

Civic Centre, Reading, RG1 2LU
☎ 0118 937 3787

Our Ref: 201705/TPO
Your Ref:

Direct: ☎01189 372440
Email: sarah.hanson@reading.gov.uk

18 January 2021

Your contact
is:

Sarah Hanson, Planning

Dear Mr Hart

RE: PROPOSED FELLING OF ONE CEDAR TREE AT 9 WYCHCOTES, READING - T6 OF TREE PRESERVATION ORDER NUMBER 63/06

Thank you for your application of 30 November 2020 regarding the above, with accompanying Tree Hazard Evaluation report ref 02723Rv6 dated 10 November 2020.

Further to my visit of 25 November and with reference to your report, I have the following comments:

As you are aware, applications to fell the Cedar in question have been submitted and refused in 2017, 2018 & 2019; applications reference 171511, 181596 & 191550 respectively, in addition to an approval to carry out a crown reduction in 2017 (ref 170443). Whilst I note these and they are relevant, this current application has been assessed on its own merits, taking into account the content of your report and the condition of the tree at this time.

Your report is fundamentally the same as that submitted in 2019 (and previous years), albeit current 4.5 makes no reference to the 2019 application.

As was the case during the consideration of 191550 the report does not appear to introduce any new issues that require consideration. Your report confirms that the tree

'physiologically appears in good health given foliage density size and coverage' (which we agree) and states *'no gross defect noted but recently shed large structural branch'*. As pointed out in 2019, it should be recognised that the branch loss you refer to is not 'recent' but occurred in 2017 in extreme weather conditions (storm Doris) and was dealt with through the responses to the 2017 application. Paragraph 4.3 of your report referring to this branch also does not provide the date of the incident. We are not aware of any branch failures since then, despite many periods of adverse weather and high winds.

It is also noted that your survey again, under 'past management' notes 'no significant recent management'. As raised previously, although our definition of 'significant' may differ to yours, I would suggest that acknowledging the 2017 reduction would be appropriate in the survey, along with referring to reduction in the past tense in sections 6.15 rather than the current 'if the tree were reduced'. You have again dismissed the benefit of a crown reduction, stating that it is *'unlikely to remove significantly the risk of further failure events'*. A detailed response to this was provided in our decision for 171511 and I would refer you to that, which is still our opinion. I note the comment in 4.6 that the necessary repeat of the reduction *'would place a significant burden on the homeowner whilst delivering an unquantifiable reduction in risk'*. You will, I'm sure, recognise that trees within an urban environment often need regular maintenance and this is not considered to be a reason to allow the felling of a healthy tree of amenity value. As an arboricultural professional you will also recognise that works suggested to alleviate risk are more often than not based on educated judgement without being able to define the precise reduction in risk that will result. I note that no repeat reduction has been recommended.

When considering the felling of any tree it is appropriate to consider whether the risk they represent is at an acceptable level taking into account a combination of the likelihood of failure (historic failures plus condition), their location (target area/occupancy) and likelihood of harm if further branches fail - neither one or two factors alone are sufficient to justify felling. We assess the information put forward in support felling and whether that is considered sufficient to justify the amenity lost from their felling, i.e. which is considered to be the overriding factor 'on balance'. It is agreed that the tree, by virtue of its location between, and close to two properties, is in a 'high target /occupancy area' and that the likelihood of harm, to the properties at least, is high. Since March 2020, it is recognised that occupancy rates will be higher, hence increasing the chance of harm to occupants should failure occur. On the matter of failure, paragraph 6.30 states: *'At this time there remains a risk of further branch failure events (based on size, species characteristics etc)...*'. We have responded to this point in previous decisions, particularly for 181596 - I refer you to that decision as the comments are still relevant and note that no failure has occurred since the storm in 2017.

Paragraph 4.4 comments on the visual prominence of the tree. This was commented on in depth in our decision for 171511 and referred to in our decisions for 181596 and

191550. Our 2017 assessment of amenity is still relevant.

It is acknowledged that tree owners are free to apply for whatever tree work is deemed necessary and whenever it is deemed appropriate. However, it would be expected that any application for the same work as previously applied for, in this case felling, would only be made if there has been a material change in circumstances that would justify the Council re-assessing the situation. There appears to be no change in the tree's condition or surroundings, nor has the tree demonstrated an increased incidence of branch failure.

I understand that the annual inspection of the Cedar is purely for the purposes of Mr Ball meeting with his 'duty of care' to his neighbours, which is acknowledged. However, it does not follow that an annual application to fell is reasonable. We would suggest that any further application to fell is only made if/when there is a change in circumstance. Not submitting an application to fell should not make any difference to Mr Ball meeting with his 'duty of care', particularly when your arboricultural advice does not identify any tangible, foreseeable failures; foreseeability being significant in demonstrating risk. In addition, it is suggested that if Mr Ball would ultimately wish to see the tree be removed to eliminate any risk, that an appeal be made against the Council's decision as decisions issued by the Planning Inspectorate can be in contrast to those made by the Local Planning Authority.

In conclusion, the proposed felling of the Cedar (T6) is refused. If you/your client 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 Planning Inspectorate - Trees and Hedges
Room 3A Eagle Wing,
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Telephone: 0303 444 5570

Email: treeandhedgeappeals@planninginspectorate.gov.uk

Please note that due to COVID 19 it is not currently possible to contact the Planning Inspectorate or submit your appeal via post. All communication should be made via email.

If your client suffers any loss or damage as a result of this refusal of consent, they may be entitled to recover compensation from the Council. If they wish to make a claim they must do so within 12 months from the date of this decision (or, if they 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 copies of the previous decisions are required for reference, please let me know. Otherwise I will assume you have retained them on file.

I note the recommendation for inspection and vigilance in 6.31-6.36 and would echo the advice to seek professional input should a decline in the condition of the tree be noted prior to its next inspection. I also note the recommendation for an internal basal inspection around the area of the lower wound at any future inspection to assess the integrity of any internal wood and decay progression.

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 C Ball, 9 Wychcotes