



Mr. Matthew Harmsworth
ROAVR Environmental
Finglack Farmhouse
Clava
Culloden moor
IV2 5EN

Frances Martin
Executive Director for
Economic Growth and
Neighbourhood Services

Bridge Street, Reading RG1 2LU
☎ 0118 9373787

Our Ref: 200895 / TPO
Your Ref:

Direct: ☎01189 374294
sarah.duckworth@reading.gov.uk

19th August 2020

Your contact is:

Sarah Duckworth, Planning & Building Control

Dear Mr. Harmsworth,

RE: PROPOSED WORKS TO TREES ON LAND AT 29 LOWER ELMSTONE DRIVE, TILEHURST, READING, PROTECTED UNDER TREE PRESERVATION ORDER NO.12/00

Thank you for your revised application dated 7th July 2020 regarding the above with supporting revised Arboricultural Safety Survey version 2.0 dated 25/06/20.

In response to your application, I visited 29 Lower Elmstone Drive on Monday 3rd August 2020 and viewed the trees in question.

There are 10 trees within the garden which are subject of the TPO; those being 9 Oak and 1 Ash. The trees are a densely planted group growing to the side of 29 Lower Elmstone Drive and adjacent to the public highway and which therefore, make a valuable contribution to the amenity of Lower Elmstone Drive. Many of the trees in the group have asymmetrical canopies, leaning trunks or etiolated forms as a result of having grown in competition with the adjacent trees caused by phytotrophic growth (growing towards the light). These growth forms are not necessarily indication that a tree is in a hazardous state however, where trees have grown as a group, the stability of the individual trees and their long-term management should be considered as a group - the removal of individual trees within the group can leave other trees exposed to greater windloading and more prone to fail.

You have applied to carry out pruning works to five Oak trees and to fell one Ash tree and two Oak trees within the garden of 29 Lower Elmstone Drive.

Firstly, I can confirm that T2 (Oak) of your report is not subject of a TPO therefore you do not need the consent of the Borough Council to carry out works to this tree.

The reasons given for felling the protected Oak (T6 of your report - T9 of TPO 12/00) is due to the tree's 'limited long-term prospects and proximity to dwelling.' You have applied to fell the Ash tree (T7 of your report - T10 of TPO 12/00) for safety reasons because the tree is in heavy decline.

During my site visit I did not see any evidence to support the removal of these two trees at this time. The Oak has an asymmetrical canopy as a result of having grown in close proximity to adjacent trees and is clearly growing close to 33 Elmstone Drive. However, the property owner at 33 has advised me that the property has been underpinned and that she is not aware of any damage to her property at this time. The owner informed me that the photograph submitted in your report as being demonstrative of the tree causing damage to buildings, actually relates to a crack in the retaining wall along the rear boundary well away from this tree and so is not relevant in this respect. At my site visit, I was informed that a third property, 35 Lower Elmstone Drive, is suffering from cracking and the cause of this is under investigation. Any works to trees identified as being necessary as a result of this investigation will be considered under a separate TPO application once the detailed investigations have concluded.

The Ash (T7 of your report - T10 of TPO 12/00) is a single stem tree with a high etiolated canopy. The foliage is even throughout the canopy, slightly sparse but this is not unexpected for the species. The base is clear, bark satisfactory and with no signs of structural defects or dieback which may indicate the early decline of the tree or that the tree needs to be 'felled for safety' and your report does not provide evidence of this need. I did not record any of the symptoms of Ash Dieback at the time of my visit. Although it is always possible given the prevalence of the disease, that there is some early infection of which the symptoms are not yet apparent, or that the trees may become infected in the future, the trees are currently good health and there is no evidence to support removal of the Ash tree at this time.

With regards to tree pruning, you have applied to reduce the canopies of 5 trees (T1, T3, T4, T5 and T8 of the report - T8, T7, T4, T2 and T8 of TPO 12/00). No specific reason given for the crown reductions aside from 'limited long-term prospects due to location.' The physical description of many of these trees in the survey refers to 'poor shape and form, low vitality, declining' in the survey.

As mentioned previously, the asymmetrical canopies of many of the trees is the result of phytotrophic growth (growing towards the light) as the trees grew up as a group. These growth forms are not necessarily indication that a tree is in a hazardous state that

particularly when the tree group remains intact. The 3m canopy reduction as proposed would not alleviate the asymmetry if it was undertaken on all sides of the tree(s).

I did not see any evidence of the trees being in decline. They all had reasonable foliage density and no obvious signs of decline, dieback or decay. The evident vitality of the trees within the group is confirmed by the aerial photographs submitted in support of the application. Their condition and vitality was, overall, considered to be as one might usually anticipate for oaks of this age.

The Borough Council would not usually consent to a significant reduction of any otherwise healthy protected tree without an overriding health and safety justification. The proposed reduction work as specified would create numerous pruning cuts throughout the canopy of the tree which act as potential entry points for decay pathogens. Furthermore, the work will impact on the vitality of the trees by removing the meristatic growth points and photosynthetic area which the trees would need to recover from and restore.

With this in mind, if trees are suffering 'low vitality' and found to be 'in decline' as stated in the tree survey, then a 3m reduction of the canopy would do nothing to improve the physiological condition of the trees but would increase stress and accelerate any decline. The work as specified also fails to respect the integrity of the trees as a group. Selective removal or the reduction of the individual trees as proposed would create gaps in the group and between the canopies of the retained trees. This would leave individual trees more exposed to greater wind loading and oscillation in high winds, increasing the risk of branch or tree failure in the future.

In conclusion, the Council considers that there is insufficient evidence to support the removal of the Ash tree (T7 of your report - T10 of TPO 12/00), Oak tree (T6 of your report - T9 of TPO 12/00) or to the proposed reductions of the five Oak trees (T1, T3, T4, T5 and T8 of the report - T8, T7, T4, T2 and T8 of TPO 12/00) at this time and your application has been refused.

Consent has been granted for the following works to prune trees in order to give clearance to property and to give reasonable clearance over the adopted highway subject to the conditions below:

Approved Tree Works

T1 Oak (T8 of TPO 12/00)

- Reduce lateral spread to south and east over 33 Lower Elmstone Drive by approximately 2m using nearest suitable reduction points to leave a natural looking canopy outline to reduce overhang over neighbouring property.
- Crown lift to give statutory clearance over the public highway (2.7m over public footpath and 5.5m over the highway) - please note that the tree already has a high canopy therefore no additional works may be required.

T3 & T4 Oak (T7, T4 of TPO 12/00)

- Crown lift to give statutory clearance over the public highway (2.7m over public footpath and 5.5m over the highway).

T6 Oak (T9 of TPO 12/00)

- Reduce southern side of canopy over garden of 33 Lower Elmstone Drive by approximately 3m using nearest suitable reduction points to leave a natural looking canopy outline to reduce overhang over neighbouring property.
- Crown lift individual branches where necessary following the canopy reduction to give 3m clearance over property.

Conditions

1. All tree surgery shall be in accordance with BS 3998: (2010) Tree Work - Recommendations.

Reason: To ensure that all works are carried out in an acceptable arboricultural manner

2. Climbing spikes shall not be used whilst undertaking any form of works on living trees, except on trees to be felled.

Reason: Spikes can cause extensive long-term damage

3. The approved canopy reduction shall be undertaken in mid-late Summer (July - September) when the tree's energy reserves are at their height or during the Winter months of December - January during the period of dormancy.

Reason: Taking into account the tree's phenological cycle and in order to avoid any unnecessary detriment to the tree as a result of the pruning work

Informatives

1. You are advised that this decision is valid for one pruning operation to be undertaken within two years from the date of this notice after which the consent lapses and a new application will be required.

2. Removal of dead or dangerous wood: This does not require the formal consent of the Council. However written notice must be given 5 working days in advance of removing dead wood. Where a branch is deemed to be 'dangerous', i.e. where works are 'urgently necessary to remove an immediate risk of serious harm', you are required to give notice to the Council 'as soon as practicable after the works become necessary'.

3. Disturbance of wildlife: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb roosting bats or nesting birds. It is advisable to consult your tree surgeon/consultant to agree an acceptable time for carrying out any work. Wildlife and

habitat controls are administered by Natural England who can be contacted on 0300 030 6000.

4. Tree work consents on land not owned by the applicant: It is strongly recommended that the owner of the tree be advised of any proposed works. The owner's permission must be sought if the tree works involve work past the boundary line. This consent does not in any way imply that this Council has informed the owner of sought permission or will condone the use of consents to force any landowner to grant such permission.

If you wish to appeal against the Council's refusal of consent to fell the trees or against any of the conditions attached to the approved works, 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 Duckworth
Assistant Natural Environment Officer

cc. The Owner / Occupier, 29 Lower Elmstone Drive, Reading RG31 5EB
Mr. C Semmens, 33 Lower Elmstone Drive, Reading RG31 5EB