



Mrs J Jordan
9 Brackendale Way
Reading
RG1 1 DZ

Frances Martin
Executive Director for
Economic Growth and
Neighbourhood Services

Civic Centre, Reading, RG1 2LU
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Our Ref: 201454/TPO
Your Ref:

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2 November 2020

Your contact is: Sarah Hanson, Planning & Building Control

Dear Mrs Jordan

**RE: PROPOSED FELLING OF ONE OAK TREE AT 30 BRACKENDALE WAY, READING -
SUBJECT TO TREE PRESERVATION ORDER NUMBER 55/06.**

Thank you for your application dated 10.12.2020, received on 15 October 2020, regarding the above.

During our meeting of 22 October 2020 with the tree's owners Mr & Mrs Critcher, it was agreed that the application would be amended to be a joint application from both parties and that Mr Critcher would provide his reasons in support of felling. I received Mr Critcher's letter on 27 October 2020.

Your application form confirms that you have concerns about the condition of the tree, i.e. that it is diseased or that it might break or fall. You provided a letter alongside your application form to support your concerns.

In relation to its condition, you advised that the tree has already been shedding its yellow leaves and immature acorns for the past two-three months (commenting that Oaks are among the last to shed their leaves) and that the tree is looking sickly in comparison with the Oak tree in a neighbouring property (to the rear) whose leaves are dark green, looking healthy and have not yet dropped.

Mr Critcher's letter reiterates these points and adds that he could not remember there being green leaves on the tree or on the ground for many years.

Your letter explains the unmanageable nuisance impact you feel from falling leaves, acorns and the tree itself and your associated safety concerns, resulting damage to property and cost of repairs.

Mr Critcher's letter also expressed concern about natural tree debris (leaves, acorns, 'sap' and insect droppings) and the resulting issues with the house, cars, garden furniture and driveway. The photographs provided to me by Mr Critcher during my visit also raise the issue of block paving adjacent to the tree being lifted.

The general nuisance associated from acorns, leaves, insect droppings etc is appreciated but these are a natural occurrence of living in close proximity to trees and would not alone suffice to support an application to fell an otherwise healthy protected tree. This year is a 'mast year' for Oaks, i.e. one in which more acorns than normal are produced, hence it is not unexpected if related issues seem worse this year. Lifting of block paving directly adjacent to trees is common as there is no flexibility in this type of surfacing of minimal construction to withstand root growth pressure. The current lifting appeared to be confined to one area, in close proximity to the trunk, hence the impact is minimal.

With regards to your property damage, this would be an issue to discuss with Mr Critcher. A tree owner has a 'duty of care' under the Occupiers Liability Act 1957 to ensure that their tree does not pose an unacceptable risk to people or property. To meet with this duty the tree should have been professionally inspected on a suitably regular basis to identify defects in the tree, i.e. to recommend works to address foreseeable risks. If this was not done and the tree not managed to abate a nuisance to you (in legal terms) then it may be reasonable to seek financial compensation for repairs you have had to undertake as a result of any lack of appropriate management (rather than unforeseeable damage).

I consider that the most pertinent issue is the condition of the tree and whether the evidence you have both provided, along with what I saw on site, is sufficient to justify the felling of the tree and the resulting loss of amenity value to the locality.

As you will appreciate, being in autumn, the end of October is not a good time to assess the physiological condition of a tree from its crown. It is also reasonable (when comparing this Oak to the neighbouring one) to note the difference in their environments, the Oak in question being surrounded entirely by hard surfacing and the neighbouring Oak being within a lawned/soft landscaped garden, i.e. a preferable rooting environment. There will also be genetic variation between trees of the same species which can result in a difference in the timing of bud burst and leaf fall. As you will be aware, the last two summers have been extremely dry and we have seen trees suffering across the borough as

a result, so this may also be a contributory factor to its current condition. In such circumstances, recovery in following years is possible.

There were no fungal fruiting bodies evident on the tree during my visit and whilst one mushroom was noted in the surrounding soil, this did not have the attributes of the fungi most associated with wood decay in Oaks but looked more akin to a type of parasol mushroom which are not of concern.

I have undertaken an exercise to try to see how the condition of the tree has changed over time, looking at Google Street view photos and any photos or documents we have on file.

A TPO was originally served in 1993, mostly likely around the time No. 30 was proposed/built (TPO ref 8/93). A letter to the then owner in 2002 indicated that the tree was in good condition. The TPO was reviewed in 2006 so it is assumed that there were no concerns about the tree at that point, albeit this was done during the winter hence the crown condition cannot be assessed from the photograph taken at that time. However, the Google St view photograph available is from 2012 and shows the trees to be green, i.e. its physiological health was good at that time. When I visited last year, on 7 October 2019, the photographs taken indicate that the tree's leaves were turning at that point from green to yellow. Given the lack of applications over the entire period in which the tree has been protected, these are the full extent of comparison documentation available.

Whilst both yourself and Mr Critcher have expressed concern about the condition of the tree, no professional advice has been provided in support of your application, as is required where your form indicates concern over its condition, and the concerns appear entirely based on the leaf condition now and in recent months. For the reasons explained above, it is considered premature to fell the tree based on how it appears, particularly without any evidence to suggest that there may be something structurally wrong or emphatic evidence that suggests the tree is in a terminal decline. As such, felling is not agreed at this time, but it would be appropriate to revisit the tree in spring/summer 2021 to assess its condition, if only to take further photographs for future comparison. Mr Critcher could have the tree inspected by a suitably qualified arborist (ideally the Inspector should hold the LANTRA Tree Inspector Qualification as a minimum) and he should continue to monitor the tree over the autumn / winter for any signs of pathogens. If evidence is provided to demonstrate that the tree is structurally undermined or in a state of terminal decline at a later date, then the necessary health and safety works will be permitted under a new Tree Preservation Order application.

In conclusion, your application fails to demonstrate that the tree is diseased or that it might break or fall and therefore the proposed felling of the Oak is refused.

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. Mr J Critcher, 30 Brackendale Way