



Miss D Gregson
7a Dellwood Park
Caversham
Reading
RG4 7NX

Frances Martin
**Executive Director for
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17 July 2019

Your contact
is:

Sarah Hanson, Planning & Building Control

Dear Miss Gregson

RE: PROPOSED FELLING OF ONE OAK TREE AT 7A DELLWOOD PARK, READING - T1 OF TREE PRESERVATION ORDER NUMBER 17/15 AND PROPOSED WORKS TO SYCAMORE AND HOLLY TREES AT 20 ORWELL CLOSE, READING - G1 OF TREE PRESERVATION ORDER 26/07.

Thank you for your application of 26 June 2019 regarding the above.

Further to our meeting of 9 July 2019, I have the following comments:

In relation to your Oak tree, your reasons for felling are stated as:

'Fell due to shady conditions and low/no amenity value. Tree is only visible to 7, 7A & 7B Dellwood Park. Oak leaning towards the house due to the nearby Sycamore screen canopies which are covered in dense Ivy, now growing taller than the Oak tree, blocking light from the south'.

In relation to the shade, it is appreciated that, combined, the Sycamore and Holly screen at 20 Orwell Close, together with your Oak, will reduce light levels into your garden. However I would suggest that the majority of the shade cast is from the tree screen in your neighbour's property; the Oak having been significantly crown lifted to improve its relationship with the house. The boundaries to the north and south are free from vegetation blocking light which then allows light to reach your garden. The Oak's

removal would still leave the issues of shading from your neighbours trees.

I can understand why you have sought to fell your Oak, as it is within your control hence the only vegetation you can deal with to improve light levels. It is appreciated that together we have tried to work with your neighbour to improve the conditions for you; you having tried to liaise with them directly and the Council having strongly urged them to remove the Ivy, but unfortunately with no resolution. However, it is not considered reasonable to fell the Oak based on shade issues, only a lesser part of which it contributes.

You advised that concerns over shade have been expressed by potential purchasers of your house which you advised was mostly due to the Oak. It would, however, as acknowledged, be reasonable to conclude that the combined shade from all the trees would contribute to the concerns.

In relation to the slight lean, this would not be unexpected due to suppression by the adjacent tree screen to the west. During our meeting, we discussed the potential to prune overhanging branches of the Sycamore(s) at the higher level to lessen this and to provide space for the canopy of the Oak on this side. However, you expressed concern about having to repeatedly carry out this work, at your expense.

In relation to amenity value, following our site visit I assessed this from Dellwood Park and from surrounding roads. The tree can be seen from the front of your property and further down Dellwood Park and can clearly be seen from the north end of Orwell Close. Please see attached photographs for reference. The tree can therefore be seen from a public place and be viewed by various local residents.

Government guidance in relation to 'amenity' states the following:

"'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future".

In terms of 'visibility', Government advice goes on to say:

"The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public".

It was established in the case of Wilkson Properties Ltd Vs Royal Borough of Kensington & Chelsea (Royal Courts of Justice Case No: CO/2334/2010 dated 13/01/2011) that collective 'private' views of a tree(s) constitute a 'public' view.

Given the above, we are satisfied that the Oak provides sufficient amenity value to warrant inclusion within the TPO.

For information, there are similarities between the proposed felling of your Oak and the previously proposed felling of the Lime tree at 10 Dellwood Park (app ref 171199); which is also close to the property. As with your Oak, we were satisfied that the amenity value of the Lime justified its inclusion within a TPO, both as an individual and as part of the overall tree coverage of Dellwood Park. Both trees were one of many retained as part of the development of Dellwood Park, which was designed around these trees to ensure their retention into the future. The felling of the Lime tree was refused and a subsequent appeal was dismissed with the Inspector stating:

‘As a consequence of its rear garden location, only the upper part of the tree canopy is glimpsed from the road. However, notwithstanding the previous works, I saw that the Lime continues to contribute scale and maturity to the locality, forming a pleasant contrast to the built development that surrounds it and affording an appreciable degree of public amenity. To my mind, the tree continues to meet the criteria for assessing the amenity value of trees, as set out in the National Planning Practice Guidance 1 making a positive contribution to the sylvan character and appearance of Dellwood Park. Overall, I conclude on this issue that the loss of the tree would result in significant harm being caused to the character and appearance of the area’.

The semi-mature Oak appears to be in good condition and was one of many trees retained and protected during the development of the original Dellwood Park and the later extension of this. It provides amenity value, as explained above, contributing to the overall tree coverage in this verdant area. The felling is not considered reasonable hence is refused.

In relation to works to the Sycamore and Holly overhanging from 20 Orwell Close, we discussed the lower branches and Ivy overhanging your garden. Ideally, branch pruning would be back to appropriate points but as you have been unsuccessful in coming to any agreement with your neighbour, works are unfortunately limited to the extent of the boundary. You indicated during our meeting that you were only looking to reduce branches in the lower half of the crown, which is fine.

I can confirm that the following proposed works are approved subject to the conditions below:

- Holly and Sycamore trees at 20 Orwell Close – prune overhanging branches back to the boundary line up to a height of 5m above ground level.

The pruning of overhanging Ivy does not need formal approval.

Conditions

1. Five days notice in writing shall be given to the Council prior to undertaking the approved works.

Reason: To ensure that the Local Planning Authority is given sufficient notice of the works to enable the effective monitoring of tree work within the Borough.

2. 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

3. This decision is valid for two years from the date of this notice after which the consent lapses

4. 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

Informatives

1. 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'.

2. 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 060 3900; enquiries@naturalengland.org.uk

3. It is best to avoid works in the period immediately before or during bud burst and leaf fall to minimise the effect on the long-term health of the tree

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 or 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 to allow the felling of the Oak tree or against conditions attached to the approved works to the neighbouring trees at 20 Orwell Close, 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