

Mrs Anne Smith
Blagrove House
Upper Warren Avenue
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Reading
Berkshire
RG4 7EB

Frances Martin
Executive Director for
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Our Ref: 191592
Your Ref:

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4th November 2019

Your contact is:

Sarah Duckworth, Planning & Building Control

Dear Mrs. Smith,

**REFUSAL OF WORKS & CONSENT FOR LESSER WORKS ON A FALSE ACACIA TREE AT
BLAGRAVE HOUSE, UPPER WARREN AVENUE - PROTECTED WITHIN AREA 3 OF TREE
PRESERVATION ORDER 319.**

Thank you for your application dated 2nd October 2019 regarding the above.

You have applied to carry out the following works:

- To fell a False Acacia (*Robinia pseudoacacia*) growing at the front of the property as the tree grows over the roof of the property and garage causing problems with the guttering. The tree makes the front rooms of the property very dark. The tree has thorns which have got stuck in your foot on one occasion and you are concerned about the risk to your dogs and grandchildren.

At our meeting on the 23rd October you also raised concerns regarding the tree's roots and the stability of the tree. You have stated that you would be happy to carry out replacement planting if this application is permitted.

This is a mature False Acacia tree with no significant defects or signs of decay. The tree has a lean to the south towards the property however; this is considered to be the result of phototropic growth (growing towards the light) when the tree was younger, the tree having grown in competition with adjacent trees.

In response to this growth bias the tree has pronounced buttress roots on the tension side to support the tree and the upper canopy resumes vertical growth. These characteristics indicate that the tree is stable and that the lean is not the result of any recent or ongoing root plate movement. The tree is showing signs of good vitality with a dense and even foliar distribution throughout the canopy.

You have stated that the tree create a number of nuisances for your property including shade and debris in gutters. You have highlighted your concern that thorns from the trees could injure your dog or grandchildren. As you have mentioned in your application, there are a number of Robinia trees in the Borough as well as other trees and shrubs which are thorny. Incidence of injury as a result of thorns is not common in the Borough Council's experience, however it would be prudent to keep paths clear and wear suitable footwear if you consider this to be a risk.

The issues you have raised with regards to this tree are regrettably some of the inevitable consequences of living in any area with mature trees. As such, these reasons alone would not support an application to fell an otherwise healthy protected tree. Allowing a tree to be removed to alleviate shading, leaf drop or risk of thorns for feet would be drastic action and would set an unacceptable precedent for deciding similar applications in the future.

The Borough Council considers that trees are vital to the future sustainability of the urban environment. They contribute many social, environmental and economic benefits to the local area. Aside from providing habitat and foraging for birds and wildlife, trees counter pollution and have been found to have a notable benefit to the health and mental wellbeing of local residents.

The Council declared a Climate Emergency earlier this year. The Borough's trees will play an important role in countering the effects of climate change and the urban heat island effect by providing shade and slowing surface water run off to reduce flooding. As such, the Borough Council is committed to preserving and enhancing tree cover where it is safe and reasonable to do so, in accordance with the Borough's adopted Tree Strategy.

I am therefore writing to advise you that, for the reasons given above, your application to fell the False Acacia protected within Area 3 of Preservation Order 319 is refused.

Lesser works to provide reasonable clearance between the canopy and the property and to raise the canopy to increase lower light levels are approved subject to the conditions below:

Approved works

False Acacia (within A3 of TPO 319)

- Crown lift to give 4m clearance above ground level.
- Reduce lateral branches where necessary to give 2.0m clearance to garage and 1st floor property window.
- Reduce branches on south side of the canopy by up to 2m, feathering them in to leave a natural looking canopy shape in order to provide clearance to Blagrove House .

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

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. 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

If you wish to appeal against the Council's refusal of consent to remove the tree, or against any of the conditions attached to the permitted 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