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

Our Ref: 181596/TPO
Your Ref:

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

25 October 2018

Your contact
is: Sarah Hanson, Planning & Building Control

Dear Mr Hart

**RE: PROPOSED FELLING OF ONE CEDAR TREE AT 6 WYCHCOTES, READING - T6 OF TREE
PRESERVATION ORDER NUMBER 63/06**

Thank you for your application of 7 September 2018 regarding the above.

Further my site meeting of 16 October 2018 with Mr Ball and my colleague Sarah Duckworth and to your Report of 22 August 2018:

It is noted that your report is fundamentally the same as that submitted last year in support of application 171511/TPO to fell the Cedar; however, it is with the addition of reference to that application and the pruning carried out under approval 170443/TPO. The additional information in your latest report considers that the reduction carried out will have had minimal reduction in loading strains (with there being 'insufficient green canopy architecture for a meaningful crown reduction'); that the risk of further branch failure events remains, hence the owner continues to be concerned. You have also dismissed our assessment of the amenity value of the tree, as was discussed in our decision letter of 5 October 2017 (ref 171511/TPO).

The reasons for the Council's previous refusal of consent are detailed in that decision letter of 5 October 2018 (ref 171511/TPO) – attached for your reference. In considering the current application fell, it is important to determine whether there has been any

change in the circumstances or condition of the tree that warrants the Council making a different decision, one year later.

The only change has been that the reduction works approved (ref 170443/TPO) have been carried out. I requested in my email of 12 September 2018 for you to confirm whether you consider the risk the tree presents to have changed since your last survey of 11 July 2017, given that you still consider the tree to be in good physiological health; your recommendation to fell being solely on the basis of the perceived high risk the tree presents. You advised in your email of the same date that *'as another year has passed then statistically the risks associated with the tree must have increased'*.

As a principle, we do not agree that the risk a tree presents would necessarily increase by virtue of another year passing. Nothing has changed in the tree's situation or condition that suggests the risk it presents is greater than it was 12 months ago. Since the Council's refusal of 5 October 2017, the tree has undergone a crown reduction and has been subjected to several periods of high winds, with no incidence of branch failure. We are not aware of any changes to the tree's environment, e.g. removal of adjacent trees or ground works, that may increase its risk of partial or complete failure, both of which are a concern to Mr Ball.

As you are aware, owners have a 'duty of care' to ensure that their trees do not pose an unacceptable risk to persons or property. Mr Ball is acting responsibly in having had the tree re-inspected, as recommended in your 2017 report and Mr Ball has explained to us his concerns with regards to health and safety and meeting with his duty of care to his neighbours, which we wholly appreciate and which are understandably his main concern. In our consideration of proposed tree works, we always have health and safety in mind; in an urban Borough such as Reading, trees are more often than not in close proximity to dwellings, i.e. in 'high target' locations where the potential for damage from branch failure always exists, so this has to be a consideration for us. As Officers, we also have to consider the potential negative impacts of a tree's removal and whether the risk the tree presents outweighs those negative impacts, as we have a wider responsibility to maintain tree coverage for the Borough, where appropriate to do so. Whilst determined on its own merits, it is also important, albeit less so than Health & Safety considerations, that any decision made would not set an unwelcome precedent or result in issues for adjacent trees.

You will appreciate that numerous trees in Reading have the potential to harm persons or property as a result of partial or complete failure. The potential for this to happen in itself should therefore not have undue weight in a proposal to fell. It is appreciated in the case of the Cedar that previous branch failure and the age of the tree are seen by you and Mr Ball as factors in making the risk it presents sufficiently high to justify removal.

In discussion with Mr Ball about the potential negative impact on adjacent T7 Cedar from wind exposure following potential felling of T6 (subject Cedar), Mr Ball has provided, in

his email of 16 October, his opinion and experience (in view of his long residence at the property) of wind action on the property/garden. Taking into account the impact of the wind (in view of its direction), he concludes that *'the subject tree provides little or no protection to the one behind for wind of this nature'*. The potential of branch failure to T7 if T6 were removed cannot, however, be dismissed altogether and it would not be unreasonable to suggest that if the felling of T6 were agreed that the owners of T7 would expect the same decision. We are considering T6 in its own right, but the setting of an unwelcome precedent is a valid point to consider, albeit that as a principle it should not prevent the felling of a tree whose felling is justified on arboricultural grounds.

As an arboricultural professional, you will appreciate that not all tree work proposals are clear cut and the balance Officers have to achieve can often go against the judgement of other professionals and the wishes of the tree owner.

In conclusion, for the reasons discussed above and given that no circumstances have changed since the Council's refusal of felling in 2017, the proposed felling of T6 Cedar is refused. If you or Mr Ball 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 your client suffers any loss or damage as a result of this refusal of consent, he may be entitled to recover compensation from the Council. If he wishes to make a claim he 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.

Mr Ball has clearly stated that he has no intention of appealing against any refusal either now or in the future (if applicable) as he wishes to keep the Council potentially responsible for any damage that may occur. Obviously it is Mr Ball's right to take that position and we will deal with applications to fell on a yearly basis. However, it is

important that Mr Ball appreciates that it is entirely possible that an Inspector's decision could be the reverse of the Council's decision. If an appeal was allowed, the tree could be felled hence the continuing concern presented by the tree would be eliminated and the risk entirely removed. It would seem a reasonable course of action to submit an appeal as there is nothing to lose in doing so. In both cases there is the potential to claim from a third party for any damage that does occur within 12 months of the decision.

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