

**Tree Officer: Sarah Hanson, Natural Environment Officer, BSc, L4 Dip Arb (ABC), PTI,
FArborA**

Application No: PL/24/0286 (240286)

Address: 12 St Benets Way

Appeal Reference: APP/E0345/D/24/3346524

Proposal: Proposed single storey extension to create an extended garage and workshop

With reference to the appellant's Appeal Statement, I think it would be helpful to provide some clarity over the TPO as there are some misunderstanding / misconceptions in the statement.

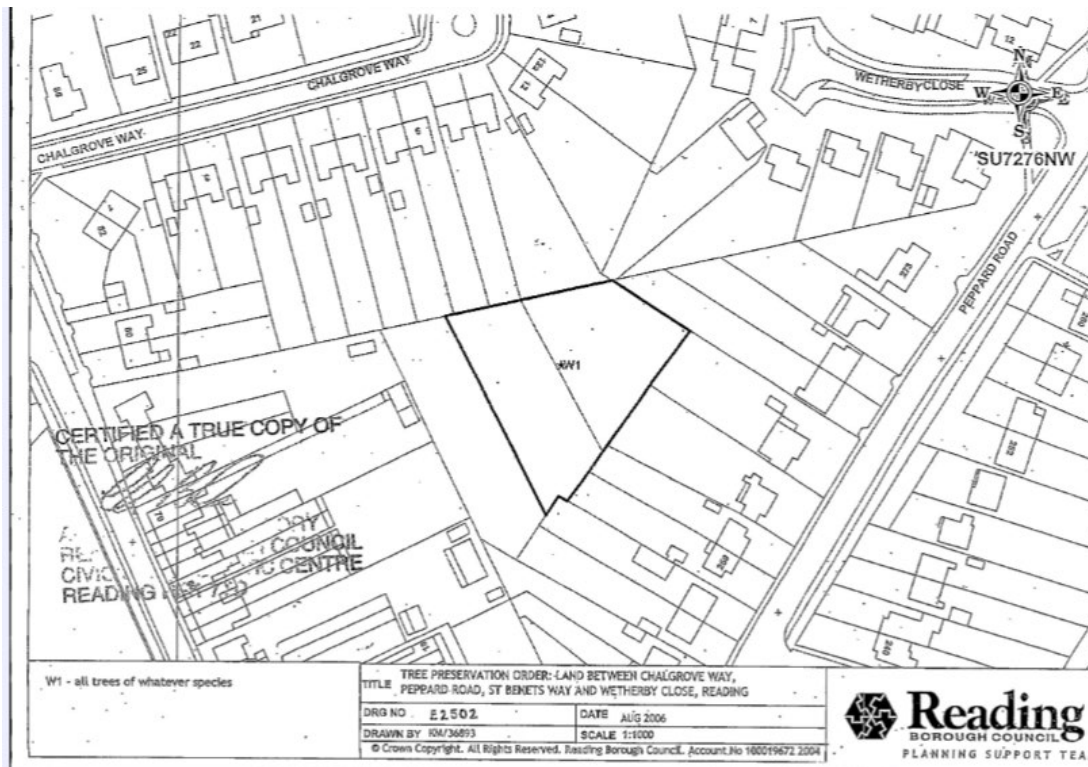
The following is stated:

'Due to a neighbour dispute and petition to the council, a temporary TPO was applied to an area which included what is now part of our garden. When the TPO was made permanent it was changed to a woodland category, the use of a woodland TPO may not have been suitable and does go against Government guidance for residential gardens'

LPAs are restricted to 4 types of TPOs: Individual, Groups, Woodlands, Areas. When creating a TPO, the 'best fit' type of TPO has to be chosen. The land at the time of service of a TPO in 2006 was best described as woodland insofar as it was unmanaged with multiple trees and understorey. It was not feasible to plot trees individually, as is required for Individual and Group TPOs and individual trees were not seen as specimens, as would be expected in a woodland - amenity was provided by the overall tree cover. An Area TPO is normally reserved for temporary cover pending development and, Government Guidance advises on their limited use hence this was not considered.

On service of a TPO, it was 'temporary' insofar as every TPO made is 'temporary', i.e. that it may or may not be confirmed (within a 6 month period), taking into account any objections raised. It may also be amended on confirmation, however that amendment should not, and cannot, change the nature of the TPO or add additional trees.

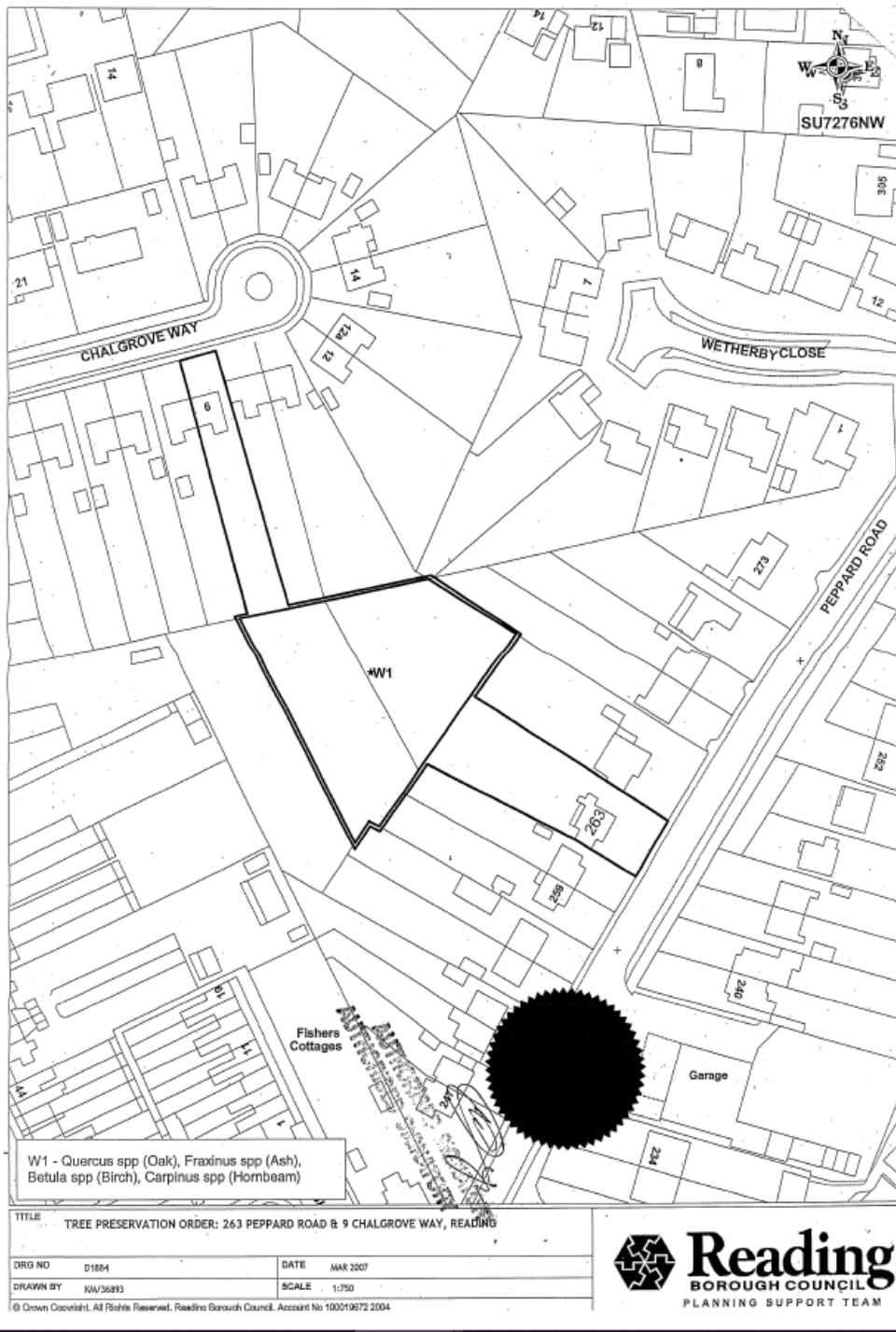
When served, the TPO was a Woodland TPO covering all species, and was entitled 'Land between Chalgrove Way, Peppard Road, St Benets Way and Whetherby Close', as follows:



On confirmation, having considered objections put forward, two amendments were made:

- 1) Change of title to '263 Peppard Road and 9 Chalgrove Way' (to reflect land ownership at the time)
- 2) Amended Plan (drawing D1884) & Schedule 1 – particularising the species of trees protected by the Woodland TPO

The TPO type was not changed and no additional trees were added at confirmation:



The use of the 'Woodland' type of TPO was purely a reflection of the tree / vegetation cover at the time and the limited choice of TPO type available – the 'best fit' being selected. A 'woodland' in this sense reflects ONLY the TPO type – it does not offer commentary of what classification the land should have under any other classification system, outside of TPO legislation.

Some photos from 2009:

From St Benets Way:



Garden of 9 Chalgrove Way (portion in which the appeal proposal is cited):

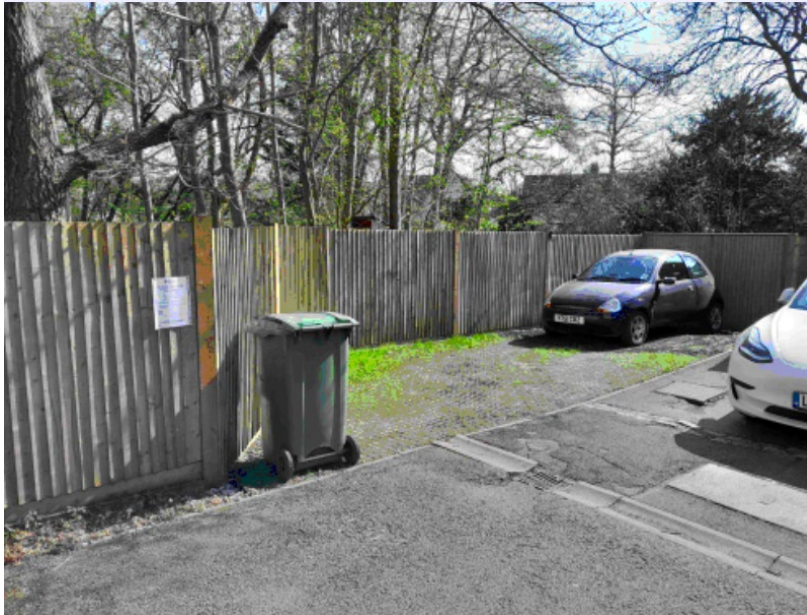


Current situation:

Base added within TPO woodland area:



Driveway and parking added to within the TPO woodland area:



Impingements into the TPO woodland area that have already taken place have been done without discussion. A 'woodland' TPO covers all trees (of the species listed) from the smallest sapling to a mature tree, the principle being to allow natural regeneration. It is clear that impingements have prevented this in the areas concerned and further building will restrict regeneration further. It is unknown whether saplings have been removed carrying out the works thus far.