

## REPORT SUMMARY

<b>CASE REFERENCE:</b> 5004/2023/TPO	
<b>ADDRESS:</b> 71 Church Street, Boughton Monchelsea, Maidstone, Kent ME17 4HN	
<b>RECOMMENDATION:</b>  <b>CONFIRM</b> Tree Preservation Order <b>No. 5004/2023/TPO</b> <b>WITHOUT MODIFICATION</b> as per the attached Order.	
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b>  The Council considers that the tree or trees contribute to amenity and local landscape character, and it is expedient to make a Tree Preservation Order (TPO).	
<b>REASON FOR REFERRAL TO COMMITTEE:</b>  An objection was received to the making of the TPO.	
<b>PARISH:</b> Boughton Monchelsea and Chart Sutton	<b>WARD:</b> Boughton Monchelsea and Chart Sutton
<b>CASE OFFICER:</b> Phil Gower	<b>SITE VISIT DATE:</b> 25.01.2023
<b>PROVISIONAL TPO MADE:</b> 09.02.2023	<b>PROVISIONAL TPO EXPIRY:</b> 09.08.2023
<b>PROVISIONAL TPO SERVED:</b> 09.02.2023	<b>TPO OBJECTION EXPIRY:</b> 16.03.2023

## RELEVANT PLANNING HISTORY

### **Planning:**

NONE

### **Enforcement:**

NONE

### **Appeals:**

NONE

## MAIN REPORT

### **1. INTRODUCTION AND BACKGROUND**

1.01 The Maidstone Borough Council made the provisional Tree Preservation Order No. 5004/2023/TPO on 09.02.2023, which is attached.

- 1.02 The TPO was made at the request of the landowner following concerns that the neighbour wanted to 'cut back' the tree from his adjacent property. Although this in itself is not an issue to the Landowner, the concerns were specifically with the amount of which the neighbour would remove and the negative effects it could have on the long-term retention and health of the tree should it be done poorly.

## **2. DESCRIPTION OF TREES**

- 2.01 T1 (as identified on the schedule and plan) is a large-sized Oak tree, approximately 20m in height, with a large spreading canopy. The tree demonstrates a balanced canopy with good branch architecture and displays no evidence of previous pruning works.
- 2.02 The tree is located in the Southeast corner of the rear garden of 71 Church Street. The tree's widespread means that it significantly overhangs the adjacent development of Castle Way, including the road and nearby neighbours (18 Castle Way)

## **3. OBJECTIONS**

- 3.01 1 objection was received to the making of the TPO, which has been summarised below.

### 3.02 Objections Summary:

Concerns raised included:

- Overall size of the tree, with low-hanging lateral branches, some of which now reach the house. This caused concern for possible injury and/or damage to the occupants and property, especially in bad weather.
- The resident's car parking space for the property is located directly under the main canopy raising concern for damage from falling branches and bird excrement.
- Nothing can grow under the tree. The residents were asked to maintain the land at the time of purchase by the developers and so have spent considerable money in trying to do this.
- Concern for the admin that will be required in making regular applications for the future management and pruning of the tree should a Preservation Order be placed on it.
- Questions over liability and responsibility for the management of the tree.

## **4. REPRESENTATIONS**

- 4.01 No further representations were received regarding the making of this TPO.

## **5. APPRAISAL**

### 5.01 Condition:

The tree appeared to be in good health with no notable defects that would suggest an abnormal degree of risk is presented.

There is no evidence of previous historic works or damage.

5.02 Contribution to public amenity:

The tree contributes significantly to the visual public amenity of the local landscape as well as providing excellent biodiversity and tree cover. Full views of the tree are possible from the junction of Heath Road and from within Castle Way in both directions. Partial views are also possible from the front of No. 71 when viewed from church street, along with other partial views from over the adjacent properties.

5.03 Retention/Longevity:

The tree species has a typical life expectancy of 200-300 years. The tree in question is considered to be of mature age, and likely only two-thirds of the tree's natural life span has lapsed.

5.04 Impacts:

It is foreseeable that some management pruning of this tree will be required to retain the tree in a satisfactory condition. The lower canopy is quite low, and encroachment onto nearby properties can be observed.

## 6. CONCLUSION

6.01 It is considered that T1 – Oak is of significant value, providing extensive visual amenity to the public and local landscape as well as biodiversity and ecological benefits.

6.02 It is acknowledged that future management and pruning will be required as per the concerns of the objector. However, the designation of a Tree Preservation Order does not prevent the management of trees but rather regulates these works on their merit and necessity. There is a valid concern in this case for the extent of pruning that may be done if no control mechanism is put in place.

6.03 The permanent protection afforded to this tree through the Tree Preservation Order will ensure that only appropriate and necessary works are carried out with the Local Planning Authority (LPA) able to *permit, refuse, or allow lesser works*. The LPA will also be able to *condition* works to secure correct working standards are unhealed.

6.04 In further response to the unfortunate issues raised within the objection, it is regrettable to hear of such issues being experienced. However, they are considered standard occurrences that come with trees and, therefore, would have been a foreseeable constraint at the time of planning. This is an example of poor consideration of future pressure placed on trees as a result of inappropriate development design.

## 7. RECOMMENDATION

7.01 **CONFIRM** the Tree Preservation Order **No. 5004/2023/TPO** **WITHOUT MODIFICATION** as per the attached Order.

**Case Officer:** Phil Gower

**Date:** 02.05.2023

Note: *Tree Officer assessments are based on the condition of the trees on the day of inspection. Whilst every effort is made to ensure that the assessments are accurate, it should be noted that the considerations necessary for determining*

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*applications/notifications may be able to be made off-site and, in any case, no climbing or internal inspections or excavations of the root areas have been undertaken. As such, these comments should not be considered an indication of safety.*