

Tree Preservation Order. The Redings, Low Hutton

SITE:

The tree which is the subject of this provisional TPO 353/2021 (Annexe 1) is known as T1, a Lime, is within the domestic curtilage of the property known as The Redings (tree location plan, Annexe 2). The property is located at the Green in Low Hutton. The tree is located near to the southern boundary of the property. The tree is viewable when approaching the property by road, from the adjacent pavement on The Green, from the property known as The Hollies which is opposite The Redings as well as from the rear of some of the neighbouring properties. The provisional TPO was served in May of this year.

BACKGROUND:

Members may recall that earlier this year a planning application at the neighbouring property (The Rise) was approved by this committee. The tree which is the subject of this report, was considered as part of that application. At the time, the then residents of the Redings were concerned that the proposed works at the neighbouring property would result in damage to the tree. Appropriate measures were put in place to ensure that the tree would be protected during the construction of the development.

However, in 2021, the property changed ownership and it was brought to the Council's attention that the new owners intended to remove the Lime tree. This prompted an urgent TPO evaluation at the site. As part of that process, four trees in total at the site were assessed although only the Lime tree, the subject of this report, was considered to be of sufficient quality to merit protection. Consequently, a Provisional TPO was served on the owner of the Redings in May of this year.

Objections to the TPO have been received. The TPO Working Party has considered the objections raised and undertook a site visit on 9 November 2021.

POLICY:

Members are aware that Local Planning Authorities can make a Tree Preservation Order (TPO) if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'. In this respect, 'expediency' means that there is a risk of a tree being felled. An Order prohibits the cutting down, topping, lopping, uprooting or wilful destruction of trees without the Local Planning Authority's written consent.

Amenity, whilst not defined in law, is a matter of judgement for the Local Planning Authority. In terms of the purpose of TPOs, they 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. Matters to consider are:

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. 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.

Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

An Order comes into effect on the day that it is made, and once made, interested parties have a minimum of 28 days to make representations either supporting or objecting to the Order. A Local Planning Authority has six months in which to confirm the Order or to decide not to confirm it. An Order cannot be confirmed unless the LPA has considered duly made representations made in response to the Order.

CONSULTATION:

- Support for the making of the TPO has been received from the Howardian Hills AONB Manager.
- No comments were received from the occupiers of properties either side of The Redings.
- Huttons Ambo Parish Council has confirmed that if the tree is to stay, it should be under the advice of a reputable tree surgeon and their findings implemented.
- Objections have been received from the owners of The Redings (Mrs Jane Johnson QPM and Mrs Clare Messer). A copy of the objection is appended to this report. A detailed response to all of the points raised was included in a report to the Tree Preservation Order Working Party.

APPRAISAL:

The tree was assessed using the nationally recognised ‘TEMPO’ system. This has been developed to provide a transparent and objective means of evaluating and considering the merits of trees and whether their amenity value is such that it warrants protection. It is split into different aspects of the amenity value, and identifies a scoring system. A minimum of 12 points is required.

The tree achieved an overall score of 20 based on condition, retention span and public visibility, 8 marks more than the threshold that determines the viability of TPO orders, and rating as ‘definitely merits TPO’. The TEMPO assessment was undertaken by the Council’s Tree and Landscape Officer who is a qualified arboriculturalist with over twenty years’ experience in arboriculture.

Tree assessment- Amenity

The Green is in Low Hutton, a small village located on the southern boundary of the Howardian Hills Area of Outstanding Natural Beauty. It is a narrow road set on a north/south axis servicing an established residential locality within a lightly wooded area. The properties are characterized by good sized houses in medium sized plots with spacious front gardens, contained by trees, hedging and low stone walls.

Facing from the road, the front garden is bounded by a low stone wall with a metal gated entrance to a driveway and brick built triple garage situated close to the left hand (southern) boundary. To the left of the driveway is an area of low maintenance perennial shrubs and grasses set within a decorative gravel.

The tree is situated on the left hand boundary in the rear garden of The Redings, a large detached property set back from the road. There is large open space opposite the property (referred to as 'The Green') which gives the area an attractive spacious feel as you travel through the village.

The tree is a large prominent mature Lime with an attractively balanced domed crown. The tree has reasonable health and form and there are no significant defects visible. The tree's condition is good with an anticipated retention span of between 40-100 years. The tree is estimated to be around 50 years in age. Large leafed Lime trees can live up to 400 years, therefore this tree has the potential to provide amenity for many years to come. Many of the surrounding properties have mature trees in their gardens, which gives the area a verdant and established character.

The well-balanced domed shaped crown is most noticeable when in leaf. The tree has a dense canopy of healthy looking leaves and the branch framework is also noticeable when not in leaf providing an elegant and attractive backdrop to the property. The tree is one of a scattering of similarly sized trees that grow locally and one of many trees that grow within gardens along both sides of the road, to both the front and rear of properties. It is this feature that lends the area a very pleasant, lightly wooded character. The tree can be seen from the property opposite and when approaching along the road where it is an important landscape feature. The tree is clearly visible to the public.

Tree assessment- Expediency

The previous owner of the Redings was very concerned that the tree should be retained and had the trees at The Redings inspected by a qualified Arboricultural Consultant. That report suggested that in accordance with the BS5837 development report criteria that T1 Lime was an 'A1' category tree of high quality with an estimated remaining life expectancy of at least 40 years. This view concurs with the Tree Officer's assessment of the tree.

The inclusion of the tree in the order was recommended to ensure retention and the avoidance of detrimental pruning by the neighbouring property where there is permission for the erection of single storey rear extension close to the tree. This will ensure the large domed crown is not harmed needlessly and all future tree work is in accordance with best practice and standards (BS3998).

TPO WORKING PARTY:

The Tree Preservation Order Working Party undertook a site visit which was led by the Tree and Landscape Officer on the 9 November 2021. Having visited the site and considered an Officer report, the three members of the working party voted unanimously to recommend to the Planning Committee that the order should be confirmed.

RECOMMENDATION:

In order to protect the amenity value that the tree provides in the locality, it is recommended that Tree Preservation Order 353/2021 is confirmed.