

APPEALS AND REVIEWS COMMITTEE, 19 April 2021

BOROUGH OF CHARNWOOD (The Bradgate, 37 Main Street, Newtown Linford)
TREE PRESERVATION ORDER 2020 - PROVISIONAL

1.0 Introduction

1.1 Background

A S211 Notice P/20/2093/2 was received seeking to crown reduce several trees by 30%. This proposed work is considered excessive and would be detrimental to the aesthetic form and health of the trees. A lesser degree of tree works is recommended to ensure clearance from buildings and removal or reduction of selected lower branches could be consented should a TPO Tree Works application be subsequently submitted. It should be borne in mind that necessary works to remove deadwood or dangerous branches is exempt formal application.

They consist of a mature ash tree, two early mature alders and one young lime. No issues were reported regarding their health. They are worthy of retention and preservation.

1.2 The Site

The site is rear carpark of the public house and restaurant called the Bradgate. It backs on to domestic properties along Greys Crescent. The land rises up toward the rear boundary. The trees are in the verge between the tarmac hardstanding of the car park and the boundary fence. The trees are visible from the Main Street and within the publically accessible car park and form part of the locality's green infrastructure which provide backdrop to housing on Grey Crescent and Main Street.

1.3 Condition of the trees

The trees are in good condition and were correctly evaluated for amenity merit. See Appendix for evaluation proforma:

2.0 The Objections to the Order

The objections to the Order were received by email.

Objection - Mr David Young of 14 Grey Crescent Newtown Linford received by email dated 22 December 2020

The objection asserts that:

1. The tree blocks all light from Mr Young's house and garden.
2. His grass won't grow.

3. Garden is 4 m wide.
4. The trees are not visible from the Main street or Grey Crescent
5. The trees are "huge"
6. He likes trees and this is why he proposes 'topping'
7. He loves his house and tree are a big problem
8. References work done within a nearby private garden and along Grey Crescent and questions how that could be allow and why the proposed works here led to TPO.
9. The lime is a 'self planter'.
10. The TPO prohibiting topping is unfair.

Objection - Mr Scott McGarry of 16 Grey Crescent Newtown Linford received by email dated 4 January 2021

The objection asserts that the trees:

1. Significantly block daylight
2. Significantly overhang his property
3. The deciduous nature of the trees causes immense drop of foliage onto several properties, clogging drains and killing grass

No other written representations have been made in relation to the Order.

3.0 Response to the Objections- Mr Young 14 Grey Crescent Newtown Linford

1. An examination of aerial photography for 14 Grey Crescent and how the solar path may impact highlights that the property is one of two properties with shallow depth north to south.
Impact of built form of solar gain: It further highlights that the rear extension to the SE of the plot extends nearly to the boundary edge. Arguably this extension was designed and built fully in the knowledge there were trees to the south. This extension has created early to midmorning shade of the garden. The property which is adjacent to the western boundary, No 16, casts significant shadow on the small garden from mid-afternoon to evening. The southern boundary would cast shade for much of the day varying in extent from approximately 30% to 65% depending on the season. So even before one considered the effect of trees on the garden, it would be in some degree of shade for a proportion of daylight.
Impact of trees on solar gain: The southern extension elevation is close to the crown extent of the tree, T2. The tree would cast direct shade to the window for midmorning to mid-afternoon but this is best alleviated by crown lifting. Substantial crown reduction would exacerbate shading of that elevation. The garden to the west of the extension is small. There is no overhang by any tree. The largest tree in the vicinity is the ash tree, T1 situated to the southern edge of the Bradgate perimeter verge. The

shadow pattern for this tree would first cast shade the garden terrace of the property to the west. There would be shade cast to the garden of 14 Grey Crescent from mid-morning to mid to late afternoon. The alder would cast shade from mid-morning to mid-afternoon when the adjacent property would then extend its shadow. The trees do not '*block all light*'. They contribute to a combined cumulative shading effect along with nearby built structures.

2. The aerial photography evidence a collection of trees and shrubs within the garden. These along with potential excessive wear which is highly likely to yield direct impact on the grass.
3. The property layout is the cause of the shallow depth of the garden. Extensions into the garden have further depleted its spatial qualities.
4. There is visibility from both Grey Crescent and Main Street as a treed backdrop which is an important characteristic of the conservation area but the main public benefit is to public accessing the rear of the Bradgate. It is important to realise public benefit is not limited to public owned space or highway. The area is fully publicly accessible.
5. The largest tree is the ash tree would be a significant prominent feature. This is a fully mature high canopy tree the presence of which likely predated the dwellings to the north. The limes and alders of much smaller size and younger.
6. Mr Young states he likes trees but advocates 'topping', a type of tree work which is bad practise.
7. The setting for the property is backing on to land which has tree cover.
8. The reference to works elsewhere permitted or otherwise is not relevant. Each tree and situation is assessed on their own merits.
9. The lime is a planted specimen but even if it were not the notion that self-seeded tree are of less merit is not valid.
10. The purpose of the TPO is precisely to prevent bad practise and excessive damaging works. I have already stated that a lesser degree of tree works is recommended to ensure clearance from buildings and removal or reduction of selected lower branches and would be considered favourably were a TPO tree works application submitted. It should be borne in mind that necessary works to remove deadwood or dangerous branches is exempt formal application.

4.0 Response to the Objections- Mr McGarry of 16 Grey Crescent Newtown Linford

1. In so far as whether or not the trees cast significant shade blocking daylight relates to 16 Grey Crescent, the effect of shade and the solar path shadow pattern is found to be very different. The property which lies wholly to the west of the trees and boasts a moderately large garden. The shadow pattern is attributable to the ash and alder trees only. The shadow is cast to the northern portion of the garden from early morning to mid-morning. Thereafter there is substantial solar gain in the garden.

2. Only the alders overhang the boundary. As already mentioned suitable lateral crown reduction can be sought via a TPO tree works application.
3. Leaf drop is not a valid objection to the protection of trees or for the revoking of protection Orders. The Councils tree policy is to not yield to calls for tree works or felling to remove the occurrence of leaf litter, twigs/branches flower and seeds drop which are natural.

5.0 Conclusion

Removing the Order by failing to confirm it at this appeal and review committee would mean the trees would be subject to either unsuitable works or felling with the loss of their amenity to the area. I note that the objection does not request the revoking of the Order. An examination of historic aerial photography and mapping has revealed that the area has been impacted by depletion of its characteristic tree cover over the decades. The only way to secure the trees presence and appropriate management is via confirming the Order.

The committee is therefore recommended to confirm the Order without modification.

Contact Officer:

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APPENDIX A - Photography and aerial imagery



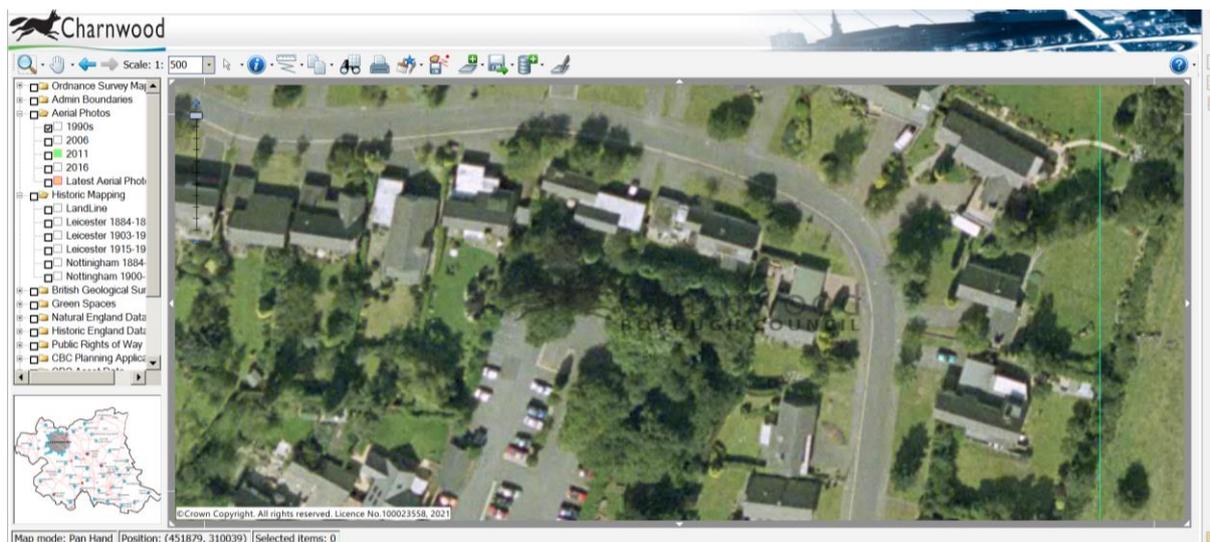
Vantage from frontage of 14 Grey Crescent – tree contribute to treed backdrop characteristic of Newtown Linford Conservation Area



Vantage from Main Street showing relationship of treed backdrop to street scene- the tree contribute to the character and appearance of the conservation Area.



Google Bluesky Aerial imagery 2021



Historic aerial imagery from 1990s clearly showing that the tree cover to the rear of Bradgate Pub was previously much more extensive and has since been depleted.

Tree Officers Report

**CHARNWOOD BOROUGH COUNCIL
DIRECTORATE OF PLANNING, REGENERATION &
REGULATORY SERVICES**

Officer Recommendation Report

CAN Works EXPIRY:

2021

NOTE * CANs are S211 Notices *not* applications*

CASE/ APPLICATION NUMBER:

PROPOSAL:

LOCATION:

RECOMMENDATION:

COMMENTS:

SPECIES:

AGE CLASS:

CONDITION:

AESTHETICS/FORM:

Issue cited:

PUBLIC AMENITY:

PUBLIC VISIBILITY:

Amenity test:

Expediency test :

Works recommendation, if any

Nola O'Donnell

Senior Landscape Officer DATE :

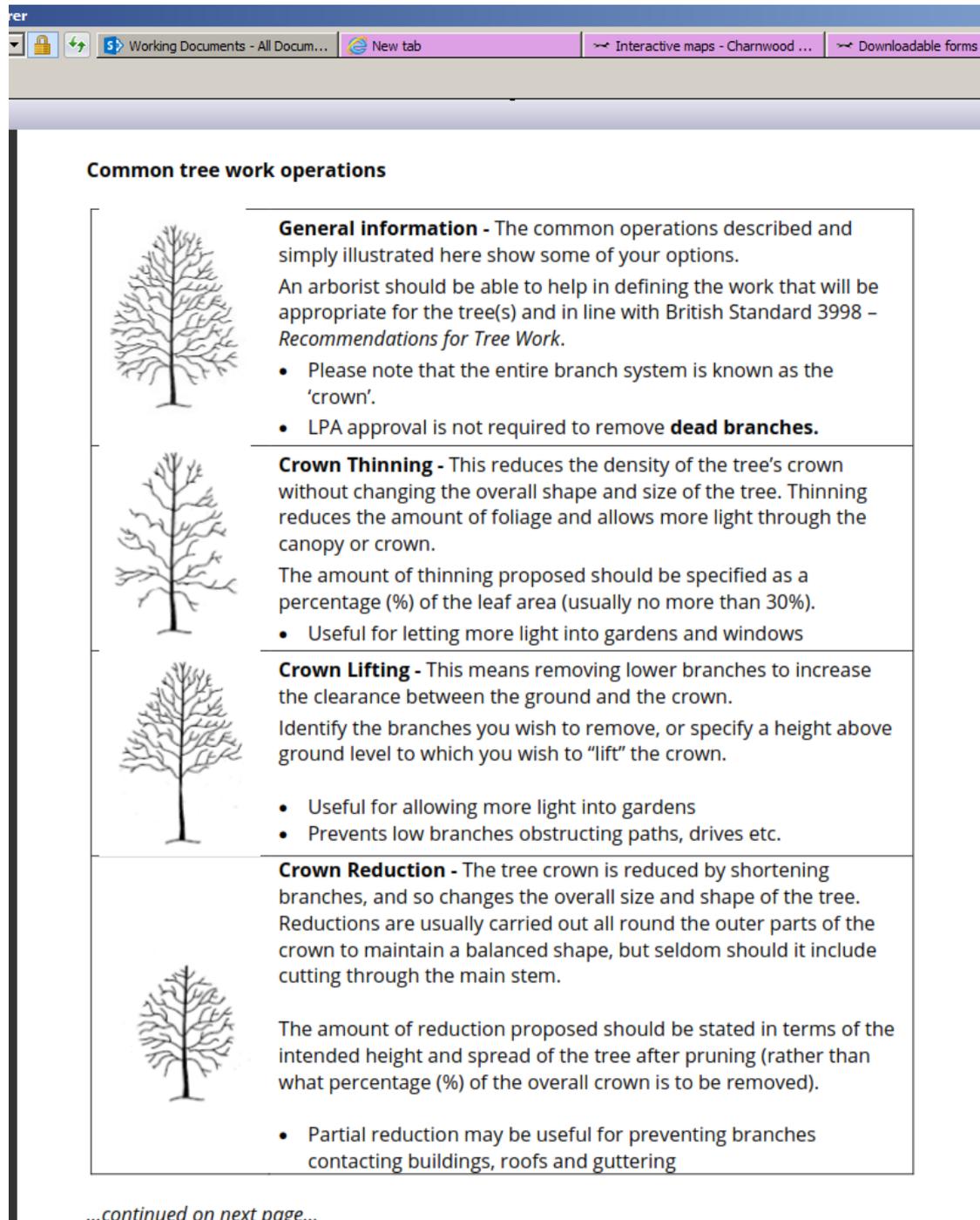
2021

APPENDIX C – Guidance on tree works and suitable professionals

The Council provides guidance notes available from the Councils webpage for downloadable forms

<https://www.charnwood.gov.uk/pages/downloadableforms>

https://ecab.planningportal.co.uk/uploads/appPDF/Help031_england_en.pdf



Common tree work operations

	<p>General information - The common operations described and simply illustrated here show some of your options.</p> <p>An arborist should be able to help in defining the work that will be appropriate for the tree(s) and in line with British Standard 3998 – <i>Recommendations for Tree Work</i>.</p> <ul style="list-style-type: none">• Please note that the entire branch system is known as the 'crown'.• LPA approval is not required to remove dead branches.
	<p>Crown Thinning - This reduces the density of the tree's crown without changing the overall shape and size of the tree. Thinning reduces the amount of foliage and allows more light through the canopy or crown.</p> <p>The amount of thinning proposed should be specified as a percentage (%) of the leaf area (usually no more than 30%).</p> <ul style="list-style-type: none">• Useful for letting more light into gardens and windows
	<p>Crown Lifting - This means removing lower branches to increase the clearance between the ground and the crown.</p> <p>Identify the branches you wish to remove, or specify a height above ground level to which you wish to "lift" the crown.</p> <ul style="list-style-type: none">• Useful for allowing more light into gardens• Prevents low branches obstructing paths, drives etc.
	<p>Crown Reduction - The tree crown is reduced by shortening branches, and so changes the overall size and shape of the tree. Reductions are usually carried out all round the outer parts of the crown to maintain a balanced shape, but seldom should it include cutting through the main stem.</p> <p>The amount of reduction proposed should be stated in terms of the intended height and spread of the tree after pruning (rather than what percentage (%) of the overall crown is to be removed).</p> <ul style="list-style-type: none">• Partial reduction may be useful for preventing branches contacting buildings, roofs and guttering

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The Council officers advise that all tree works be in accordance the British Standard for Tree Works BS 3998:2010

This cannot be made available for general copying/ distribution as The Councils Licence for its use does not allow for this, but a paper copy will be brought to the meeting and passed around. I am happy to explain the main types of tree works operations that are generally consented and indeed what works will be refused.

Competent reports related to tree safety should be carried out by tree consultants such as are registered or chartered by the main UK registration bodies or by an international registration body such as the following:

The Arboricultural Association

<https://www.trees.org.uk/Find-a-professional>

The Institute of Chartered Foresters

<http://www.charteredforesters.org/about-us/hire-a-consultant/>

The International Society of Arboriculture

<https://www.isa-arbor.com/>

The Legislation and guidance

<http://www.legislation.gov.uk/uksi/2012/605/contents/made>

<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>