

2. Since serving the TPO, the tree owners have submitted a revised tree work specification to reduce the height of the Sycamore tree by up to 6 metres and lateral branches by approximately 2 metres to reshape the crown. This would alleviate problems raised by the neighbours, caused by the tree's current large canopy.

3.0 **COSTS**

If a TPO is made and confirmed, then subsequent applications made for tree works would carry with them an opportunity to claim compensation if, as a result of the Council's decision, the Applicant suffers any loss or damage within 12 months of that decision being made.

4.0 **BACKGROUND**

- 4.1 Tree Surgeons, acting on behalf of the owners, submitted a tree work application to the Council on 29 September 2014 giving the required six weeks notice of the proposed removal of a Sycamore tree from the rear garden of 4 Hythe Close, Burwell, within the Burwell Conservation Area. The owners were concerned that the Sycamore tree was too large and overshadowing their property and their neighbour's property. The Sycamore tree had some previous pruning work to reduce the overhang over the neighbouring garden.
- 4.2 The Council cannot refuse the tree work application notice of removal of this Sycamore tree in the Burwell Conservation Area and therefore a TPO was served on the Sycamore tree under Section 201 of the Town & Country Planning Act 1990. The TPO was made on 16 October 2014 and after the statutory consultation period, requires confirmation within six months.
- 4.3 To ensure the Sycamore tree is retained the TPO was served, as the Council cannot refuse the proposed removal of a tree within a Conservation Area when given the required six weeks notice. The Sycamore tree was healthy, visible to the public from Hythe Close and Hythe Lane, Burwell, and was of merit, contributing to the tree cover in this location.
- 4.4 The Senior Trees Officer inspected the site and considered the Sycamore tree was worthy of retention. The Senior Trees Officer considered the Sycamore tree could be managed by pruning to greatly reduce the problems experienced by the owners and their neighbours due to the tree's large size and overshadowing.
- 4.5 Concerns were expressed by the neighbours about the serving of the TPO on the Sycamore tree, and their objections were received in writing during the statutory consultation period. (A copy of the letter from the neighbours is attached as Appendix 1).

The concerns raised were in summary:

- a. The Sycamore tree is very large and is set on the rear garden boundary of 4 Hythe Close with 6 Hythe Close, and the tree is overhanging excessively this neighbouring garden.
- b. The Sycamore tree causes concern that during very windy weather, the Sycamore tree could fall onto the garage or the rear of the house at 6 Hythe Close.
- c. Bird droppings from birds roosting in the Sycamore tree are polluting the gardens and causing a potential health hazard to residents and their visitors.
- d. Management of the Sycamore tree by cyclical pruning could be cost prohibitive to the owners and they may not be prepared to pay to have further pruning work to be done to manage the size of the tree if they are not allowed to remove the tree.

5.0 **CONCLUSIONS**

- 5.1 Whilst the determining if a tree is of sufficient amenity value or not is to some extent subjective, the Senior Trees Officer remains of the opinion that this Sycamore tree is visually important within the local street scene and makes a positive contribution to the character of the area. A TPO would be an appropriate measure to safeguard the tree.
- 5.2 The TPO will not prevent the owners managing the Sycamore tree in the future using approved professional tree management techniques that would reduce the nuisance factors raised by the neighbours. Since serving the TPO the tree owners have submitted an application to prune the Sycamore tree, to reduce the overall size and alleviate the problems experienced by their neighbours.
- 5.3 This TPO will ensure the retention of the Sycamore tree as part of the local landscape. The TPO status gives recognition of the visual importance of the tree and the positive contribution the tree makes to the character of the area.

6.0 **APPENDICES**

- 6.1 Appendix 1 - Letter of objection.

<u>Background Documents</u>	<u>Location(s)</u>	<u>Contact Officer(s)</u>
TPO E/03/14	Room No. 001	Cathy White
Town & Country Planning Act 1990	The Grange	Senior Trees Officer
Town & Country Planning (Tree	Ely	01353 665555
		cathy.white@eastcamb s.gov.uk

Preservation)(England) Regulations 2012

National Planning Policy Guidance from 6th
March 2014

<http://planningguidance.planningportal.gov.uk/blog/guidance/tree-preservation-orders/how-are-offences-against-a-tree-preservation-order-enforced-including-tree-replacement/>

East Cambridgeshire District Core Strategy
2009 & Draft Local Plan 2013

Tree Work Applications 14/01122/TRE
&14/01198/TPO

EAST CAMBRIDGESHIRE
23 OCT 2014
DISTRICT COUNCIL

APPENDIX 1

Mr & Mrs M.Swan

Address Redacted

Dear Cathy,

Please find enclosed our objection to TPO E/03/14 outlining our reasons & concerns.

Thanks again for your assistance so far.

Yours sincerely

Michael & Alison Swan

Signature Redacted

Signature Redacted

Ref: Trees/Burwell//TPO E/03/14

Concerns and views of: Mr & Mrs M. Swan Address Redacted

Whilst we both take a keen interest in the countryside and love all the areas flora and fauna, the size and location of the subject of this TPO has given us increasing cause for concern, especially over the last few years.

In the twenty two years that we have lived here we've seen this sycamore grow and spread to such an extent where it now reaches the full length of our garden. It has got to such a point where it has reached and passed level with the back of our house.

This is a major concern with the increase, and predicted increasing occurrence, of severe storms at any time of year. Should the tree succumb and fall during a storm, not only would it completely destroy my garage and contents, it has an increasing chance of crashing onto the back of the house. If it should fall and twist more towards the house by a few degrees it could well destroy the house and all within. Worst case scenario I know but you can't help but think about the possibility when gale force, and above, winds are blowing. Anxiety levels rise & having insurance is no real comfort.

We are on the leeward side of the tree, preferred by the large number of Wood Pigeon & Collared Dove that roost in it overnight. The tree has spread, more and more over the borders and lawn, therefore the larger the area being polluted with bird droppings. These are not small droppings but more towards the size of a broad bean. The mess is a nuisance but the real concern here is any disease they may harbour. Our grandchildren are hands on outdoor kids so I'm sure you can understand our concern here.

When my neighbour was on her own she couldn't afford to manage the tree so twice before we have paid for work to be carried out on our side. This is the only work ever to have been carried out on the tree. Circumstances have changed for both of us. Now it is us who are not in a position to pay out large sums of money on the trees management. We are worried that our neighbours, if not allowed to remove the tree, may not be prepared to pay out for periodic topping & lopping.

The loss of a large tree is always very sad but sycamores are plentiful in this area.

Thank you for the opportunity to present our concerns.

Signature Redacted

Signature Redacted

21/10/2014