



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	Uplands Area Planning Sub-Committee Tuesday 5 January 2021
Report Number	Agenda Item No. 5
Subject	Confirmation of Tree Preservation Order No.2/2020: Tithings, Station Road, Shipton under Wychwood
Wards affected	Ascott and Shipton
Accountable member	Councillor Jeff Haine, Chair of the Uplands Area Planning Sub-Committee Email: jeff.haine@westoxon.gov.uk
Accountable officer	Nick Dalby, Landscape & Forestry Officer Tel: 01993 861662; Email: nick.dalby@publicagroup.uk
Summary/Purpose	To consider the confirmation of provisional TPO No.2/2020 – Tithings, Station Road, Shipton under Wychwood
Annexes	None
Recommendation	That the Sub-Committee decides whether or not to confirm provisional Tree Preservation Order No.2/2020
Corporate priorities	N/A
Key Decision	N/A
Exempt	No
Consultees/ Consultation	N/A

I. BACKGROUND

- 1.1. A Section 211 Notice (51.70/T382) has been received indicating the owner's intention to fell a poplar tree at Tithings, Station Road, Shipton under Wychwood. It is growing within the private rear garden at the property on the boundary with the churchyard at St Mary's Church.
- 1.2. As the six week notification period expired before the Notice could be considered by the Committee a provisional tree preservation order was made on 2 November 2020 to extend legal protection over it until a decision has been taken to allow it to be removed or to seek its retention.
- 1.3. The provisional Order takes immediate effect for a period of six months during which time the Council must decide whether to confirm it, amend it in some way, or allow it to lapse.

2. SECTION 211 NOTICE

- 2.1. The reasons given in the notice to justify felling the tree are as follows;

‘T1 Poplar – Fell – tree is a poor species for location biased towards neighbouring property. Large lateral lower limb has hazard beam fracture’.

3. REASONS FOR INCLUDING THE TREE IN A PROVISIONAL TPO

- 3.1. The purpose of the requirement to give notice of works to trees in conservation areas is to give local planning authorities the opportunity to include them in tree preservation orders if they contribute to the character and appearance of the conservation area in question. Authorities must pay special attention to the desirability of preserving or enhancing these aspects when considering works to trees in such areas.
- 3.2. The poplar is a large specimen which is visible in a range of public vantage points around the local area, including from Station Road, Meadow Lane, Church Walk and the private driveway to the Old Prebendal House. It forms part of the wider treescape which comprises large specimen trees in generous private gardens and more substantial groups giving a leafy and mature character.

4. OBJECTIONS TO THE MAKING OF THE TPO

- 4.1. Objections to the making of the TPO have been received from the owner of the property and these can be summarised as follows and can be viewed in full on request;
- 4.2. *Amenity value*
 - This is a common poplar tree, unattractive and unsuited to the area.
 - The most prominent view of the poplar is from Station Road and from this viewpoint it obscures the church steeple and also the giant sequoia and other far more attractive trees – beech, ash and lime – thus spoiling an otherwise picturesque scene.
 - All other views, which are along Church Walk, show only its crown.
- 4.3. *The tree constitutes a physical danger to persons and property*
 - The tree is over 80 years old. Poplars are short-lived trees, and often plagued by fungus, blight and cankers. Branches have regularly fallen from the tree and many dead ones on the tree are clearly visible.
 - A large split bough hangs over the churchyard. If it fell it would strike an adjacent ash tree and is likely to damage an adjacent building.
 - Surface roots have spread across the garden causing a trip hazard.

- Roots have grown close to drains.
- The tree leans towards and is about 20 feet from the 14th century grade 2* listed tithe barn. If the tree fell, it would cause substantial damage to the barn and serious or fatal injury to residents and staff within it at the time. It would also destroy our garden shed/summer house.

4.4. *Our wellbeing and quality of life*

- A tree of forest dimensions and has absolutely no place in a small residential garden.
- Surface roots are a trip hazard and risk damaging mower blades.
- Hard to plant in a bed under the poplar because of roots.
- A large root threatens the stability of a shed/summer house.
- Casts heavy shade right across the garden.
- Yearly leaf fall is very great, covers plants and lawn and requires extensive effort to clear. The leaves, after rainfall, are slippery and constitute another trip hazard.
- The garden is spongy with great expanses of moss, caused entirely by the poplar.

5. PLANNING ASSESSMENT

- 5.1. Whilst the Poplar may not be a species of choice it is an established and prominent tree and contributes to the maturity of the wider surroundings. As with all large trees in settlements there are additional maintenance burdens placed on those living closest to them.
- 5.2. The common nuisance problems such as shade, roots and leaves are an irritation and can be inconvenient but their effects can be reduced by routine garden maintenance and adaption. The problems experienced at this property are typical of those that contain mature trees and would not usually be considered sufficient justification to remove them if they provide wider public amenity benefits.
- 5.3. As the current owners moved into the property in late summer 2020 it would be a sensible precaution to have the tree more closely inspected. Any identified remedial work could be carried out, including the removal of larger diameter dead branches and the split branch that has already been identified rather than complete removal of the tree. Safety is clearly an important consideration and where there is evidence of risk the council would be supportive of proportionate work to bring the tree within accepted safety parameters.
- 5.4. The judgement to be made is whether the inconvenience of the presence of the tree and the additional property maintenance it brings outweighs the wider contribution it makes to public amenity and the setting within the conservation area.

6. FINANCIAL IMPLICATIONS

- 6.1. This report has no financial implications.

7. LEGAL IMPLICATIONS

- 7.1. The report has no legal implications.

8. ALTERNATIVES/OPTIONS

- 8.1. The provisional TPO could be confirmed or allowed to lapse.

9. BACKGROUND PAPERS

- 9.1. Letter of objection dated 17 November 2020.