

 <b>WEST OXFORDSHIRE DISTRICT COUNCIL</b>	<b>WEST OXFORDSHIRE DISTRICT COUNCIL</b>
Name and date of Committee	<b>Uplands Area Planning Sub-Committee</b> <b>Monday 23 August 2021</b>
Report Number	<b>Agenda Item No. 6</b>
Subject	<b>Application to fell a protected tree included in Tree Preservation Order No.2/2020: Tithings, Station Road, Shipton under Wychwood</b>
Wards affected	Shipton Under Wychwood
Accountable member	Councillor Jeff Haine, Chair of the Uplands Area Planning Sub-Committee Email: <a href="mailto:jeff.haine@westoxon.gov.uk">jeff.haine@westoxon.gov.uk</a>
Accountable officer	Nick Dalby, Landscape & Forestry Officer Tel: 01993 861662; Email: <a href="mailto:nick.dalby@westoxon.gov.uk">nick.dalby@westoxon.gov.uk</a>
Summary/Purpose	To consider an application to fell a protected tree included in TPO No.2/2020 – Tithings, Station Road, Shipton under Wychwood
Annexes	
Recommendation	That an application to fell a protected tree, application reference 141.297/1, be refused.
Corporate priorities	
Key Decision	
Exempt	
Consultees/ Consultation	

## **I. BACKGROUND**

- 1.1. An application has been received to fell a poplar tree growing at Tithings, Station Road, Shipton under Wychwood that is included in the above Tree Preservation Order. The Order was made in November 2020 following receipt of a notice to fell it, as the property is within Shipton under Wychwood Conservation Area. It was confirmed at the meeting of the Uplands Area Planning Sub-Committee on 5 January 2021.
- 1.2. In accordance with the council's Scheme of Delegation in these matters, local ward members are consulted where applications are recommended for refusal. In this case, the Ward Member has referred the application to this Committee for a decision.
- 1.3. The reasons for making the application are the effect the presence of tree roots and suckers have on the ability to use the rear garden; and that the tree has low amenity value. These are the only reasons that must to be taken into account when considering the application.

## **2. THE APPLICATION**

- 2.1. Roots and suckers reason.

'Proposal to fell tree due to knobbled swellings on tree roots and suckers growing from them which extend across the flower beds and lawn extending to a distance of 26m from the tree and within 1cm of patio and 2m from house. These knobbled surface roots are painful to walk on and make it difficult to mow the lawn or plant in flower beds'.

- 2.2. Low amenity value reason.

'The tree has low amenity value, the crown only can be viewed from two locations, obscuring the view of the church spire from the main road. Proposal to plant a replacement such as Liriodendron tulipifera'.

- 2.3. A report prepared by an arboricultural consultant accompanied the application and is available on request.
- 2.4. Additional information was added to the application on 17 July and additional photographs supplied on 24 July.

## **3. PLANNING ASSESSMENT**

- 3.1. The Tree Report comments that 'as a species balsam poplars are particularly prone to developing root suckers. Physically severing each root would not be an effective way of remedying the problem, with new wound-wood formation likely to develop at each point of severance resulting in further root protuberance and likely new sucker development. The only way to resolve the issue would be to remove the tree. I consider that the tree significantly reduces the extent to which the owners of Tithings and their guests are able to enjoy the property'.
- 3.2. There is no doubt that the rooting area extends across a large part of the rear garden, with occasional sucker growth emerging. However, there is a relatively easy remedy available which is to cut back the poplar shoots as often as is necessary to control them. They are not so fast growing that such treatment is beyond the scope of reasonable and normal garden maintenance. Similarly, it should be possible to reduce the problems associated with surface roots by raising the finished level of affected lawn or planted beds by up to 150mm

as part of the extensive building and garden restoration work currently underway at the property.

- 3.3. The second ground for applying to fell the tree is that it is of low amenity value. In addition to the reasons given in 2.2 above the Tree Report concludes that ‘the poplar is visible from Station Road, the centre of which is 96m to the north; however, in this location it obscures a view of the church tower framed by two cedars which arguably would be a better view than that of the poplar. The only other public location where it is visible is from the narrow footpath leading to the church. In my assessment the tree’s public amenity value is limited to the extent that the tree barely, if at all, warrants protection by a TPO’.
- 3.4. It is on this point that your officers do not agree. The Poplar is a large specimen that is visible in a range of public vantage points around the local area within the Conservation Area, including from Station Road, Meadow Lane, Church Walk, Bradleys, the churchyard around St Mary’s Church and the private driveway to the Old Prebendal House assisted living residence. It forms part of the wider treescape, which comprises large specimen trees in generous private gardens together with more substantial groups giving a leafy and mature character to this part of the Conservation Area.
- 3.5. The prominence of an oak tree in a similar location within Shipton under Wychwood Conservation Area was considered by a planning inspector as part of an appeal regarding a proposal for new development. (APP/D3125/A/14/2220091, 13/1561/P/FP). He concluded that ‘the oak tree can be seen above the rooftops of surrounding houses and forms a prominent and highly visible landscape feature that adds to the character and appearance of the CA’. In terms of *visual*/amenity value, the Oak tree is comparable to the Poplar and demonstrates that a tree providing a similar level of public visibility can be regarded as a making a positive contribution to the character and appearance of a conservation area and, by extension, could be considered suitable to be included in a tree preservation order.
- 3.6. Whilst the application does not include reasons relating to the health or safety aspects of the tree the Report concluded that there was no evidence to suggest that whole tree failure is foreseeable. One branch was identified as requiring attention, albeit it does not pose a high risk. The council has recommended that this remedial work be carried out.
- 3.7. The reasons cited in support of the current application were included in the objection letter submitted following the making of the Order and the ones relating to roots and suckers have been amplified in the accompanying Tree Report. However, these issues were taken into account by the Uplands Area Planning Sub-Committee in January when a decision was taken to confirm the Order.
- 3.8. The local Ward Member has requested that the application be brought before Members for a decision as he disagrees with your officers’ assessment that the tree is of benefit to the Conservation Area. His opinion is that the issues with the tree far outweigh the benefits and it has been argued successfully (by the report provided by the residents) that the tree is not an asset to public amenity compared to the inconvenience to the residents in Tithings.
- 3.9. However, your officers’ opinion is that the tree does contribute to the character and appearance of Shipton under Wychwood Conservation Area as set out above. It is recognised that the particular characteristics of the species bring additional garden maintenance requirements above those of other species of a similar size. However, as far as roots and suckers are concerned, these effects could be reduced by routine maintenance and by reasonable adaptations, as mentioned in 3.2, which would fall within the scope of an average garden redesign.

- 3.10. In light of the above, it is considered that the reasons to support the case for felling the tree do not outweigh the contribution it makes to public amenity. Therefore, it is recommended that permission to fell it needs to be refused, as circumstances have not changed significantly since the Committee's decision in January 2021.

#### **4. ALTERNATIVES/OPTIONS**

The Council could decide to grant permission to fell the tree, with or without a condition requiring the planting of a suitable replacement.

#### **5. FINANCIAL IMPLICATIONS**

Tree preservation order regulations make provision for the payment of compensation by the LPA for loss or damage caused or incurred as a result of its refusal of any consent under a TPO. However, the regulations include provisions to limit the LPA's liability and are dependent on the details of each particular case.

Phil Shaw – Business Manager (Development Management)  
(Author: Nick Dalby, Tel: (01993) 861662; EMail: nick.dalby@westoxon.gov.uk)  
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Background Papers:  
TPO 2/2020