

Mr A Stone
2a Lincolns Avenue
Gedney Hill
Spalding
PE12 0PJ

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
DC Officers 01775 764703

planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990

WORKS TO A PRESERVED TREE

Reference: H07-0168-22 **Date of Decision:** 26th April 2022

Applicant: Mr A Stone
2a Lincolns Avenue
Gedney Hill
Spalding
PE12 0PJ

Location: 2a Lincolns Avenue Gedney Hill Spalding

Description: Works to Gedney Hill Tree Preservation Order No 2 1989

Detailed Description:

Application with regard to a mature sycamore tree identified as T1 of Gedney Hill Tree Preservation Order No 2 1989, located in the garden boundary between 2a Lincolns Avenue and 4 Lincolns Avenue, Gedney Hill, to the rear of the dwellings.

Proposed works 'felling or drastic cutting back of the tree as detailed'. Please refer to the extensive list of reasons in Document No: TPOAPP/2A/AS submitted as part of the Application.

South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):

- 1 When Outline Planning Permission was granted for the building of 2a Lincolns Avenue, all trees or shrubs on the site were protected by a Planning Condition, this was shortly followed in 1989 by a Tree Preservation Order being placed on the mature sycamore tree on the boundary, the neighbouring property was granted Planning Permission to be built in 2008.

At the time when both properties were built, the knowledge was available to construct them and their waste water systems/ septic tanks or equivalent, to take into account the presence of the sycamore tree at maturity to enable both to exist side by side.

Recent research has located a Building Regulations Application for a garage conversion in 2021, which indicated that the foul water drain to the septic tank at 2a Lincolns Avenue was likely to have skirted around the outer edge of the garden; rather than the alternative, of passing in a straight line directly beneath the canopy of the tree close to the trunk. This could be clarified with the use of drainage rods, should there be any indication of pipes running in the direction of the tree.

When the Applicant acquired 2a Lincolns Avenue in 2021 and neighbour their house at 4 Lincolns Avenue the Tree Preservation Order was in place on the mature sycamore for all to see. When a tree is made the subject of a Tree Preservation Order it should generally be assumed that it has to be retained. Therefore, when purchasing a property the presence of a Tree Preservation Order should be a very serious consideration. The tree concerned shows the usual characteristics of a mature sycamore which basic pre-purchase research would have revealed.

The reasons given are not sufficient to warrant the removal of the tree or reduction of the crown by over 50% or above (as suggested by the representative of the Applicant at a site meeting with the Trees and Nature Conservation Officer from South Holland District Council on 8th April 2022):

Reasons given for the proposed works (Order changed for clarity):

- ' 4. Concerns regarding proximity and foundations of both houses and the septic tanks for both properties.
- 5. Research suggest minimum distance to a building is 17m this tree is located within 10m of each property.
- 15. We have been advised by our septic tank Company that the continued growth of the roots could interfere or damage the septic tank.'

It was known that the sycamore concerned was a protected tree from when the building of both properties was commenced.

As already mentioned, at this time the knowledge was available to construct the dwellings and their waste water systems/ septic tanks or equivalent to take into account the presence of the sycamore tree at maturity to enable both to exist side by side.

- '1. Excessive shading of our garden and neighbouring property.
- 2. Tree is located directly on the boundary of our property and next door which blurs the responsibility to maintain the tree.
- 3. Only properties in entire street with a tree so close to the houses.
- 6. Out of control now overhangs buildings reduces light to garden and properties.
- 7. Seedlings falling on properties causes several issues:
- 8. Constant mess from spring to autumn that affects our enjoyment of space.
- 9. Falling seeds affect ability to have young children in area of garden they get onto chairs and potentially into eyes and mouths.
- 10. Affects kids and adults with Asthma.
- 11. Residue and seeds get into external heat source pump workings (neighbours).
- 12. With even light winds the seeds etc get into houses causing never ending routine of cleaning up' ('and several large branches have fallen landing on the conservatory').
- '13. Pigeon mess on and around patio and conservatory area which prevents use and enjoyment of space.

14. Seedlings sprouting everywhere in garden causing issues with garden.'

The sycamore was the subject of a Tree Preservation Order from 1989, so those who currently live in the properties who have custodianship of the tree, were well aware of its presence and the presumption that it was to be retained, before purchase. As already mentioned any basic research would have revealed the characteristics of a sycamore tree, the size it could ultimately grow and its propensity for producing a large number of fertile seedlings. If a house with such a tree in the garden is purchased every individual will have a different perception as to the effect if any it will have on their lifestyle, whether positive or negative. The onus is for the individual to check this out before purchase and not assume that fixtures such as a tree with a Tree Preservation Order can be altered to suit.

With reason 12. the section which has been bracketed (and several large branches have fallen landing on the conservatory) is likely to be able to be resolved in the future by selective reduction works.

The representative of the Applicant was volunteered at the site meeting on 8th April 2022, that a selective reduction of up to a maximum of 30% of the crown overall (although not in the best interest of the tree) would be likely to have received permission, as an acknowledgement that space surrounding the tree in its situation was limited. The representative turned this down.



Phil Norman
Planning Manager
South Holland District Council

RIGHTS OF APPEAL:

Where an application is made to the Authority for consent and that consent is refused or is granted subject to conditions the applicant, if aggrieved by the decision, may appeal to the Planning Inspectorate (PiNS). Appeals must be received by the PiNS within 28 days of the Council's decision. The appeal should be made on the relevant TPO (consents) appeal form which can be obtained from PiNS. The form can be found on the Planning Portal website at:

www.planningportal.gov.uk/planning/appeals/otherappealcasework/treepreservation

Alternatively a form can be obtained by writing to The Environment Team, Room 3/25 Hawk Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN or telephone on 0117 3728192

If you visit the Planning Portal web site you will be able to complete the appeal form and return it to PiNS electronically via the email address:

environment.appeals@pins.gsi.gov.uk