

Tel: (0118) 974 6000
Email: development.control@wokingham.gov.uk
Date: 24 January 2024
My ref: TF/TPO/811/1996/242866



WOKINGHAM BOROUGH COUNCIL

Mr Tim Lovell
32 Luckley Road
Wokingham
Berkshire
RG41 2EN

Place and Growth
Development Management Team
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000

Dear Mr Lovell,

TREE PRESERVATION ORDER NUMBER: 811/1996

APPLICATION NUMBER: 242866

LOCATION: BLUEBELL HOUSE, 126 BARKHAM ROAD, WOKINGHAM, RG41 2RP

I am writing to you regarding your application to carry out works to protected tree(s), which was received and validated on the 12 November 2024. Please accept my apologies for the delay in determining this application.

I can confirm Wokingham Borough Council **refuses consent**, to the following work being carried out to tree(s) included in the above-mentioned Tree Preservation Orders (TPO):

Proposed Tree Works to A1 of TPO 811/1996:

T1, Horse Chestnut:

- Crown reduction by approx. 5m in spread.

Reasons stated for works:

The extent of works required are a crown reduction to return the tree overhang within the owner's boundary. This represents an approximate radial reduction of 5m to the overhanging boundary. It may not be necessary to reduce to this extent uniformly due to the leaning of the tree towards the boundary and general aspect of the tree. WBC as owner are requested to verify the extent of works needed to remove the existing hazard. The reason for the requested work is to remove the tree overhang into the garden of 37 Oaklands Drive. There is significant hazard to falling branches and to the annual fall of spiked chestnut husks. The garden is tended to regularly by the owner who has already been the victim of falling strikes, though thankfully to date, has only caused minor injury. You will see from the uploaded photos the extent of this hazard. There is also a significant annual overhead to clearing the amount of autumn debris that falls.

Reasons stated for refusal:

The reasons given for the 5m lateral reduction of the tree are that the Horse Chestnut is causing major issues for the owner/occupier of 37 Oaklands Drive by the means of falling branches and you advise that the tree is also causing health and safety issues with Conkers falling off the tree and that the tree causes a nuisance by falling leaves. You have advised that the application has been made to negate any health and safety risk.

In response to your application a Council Arboricultural Officer has been out to site and viewed the tree from within the garden of Bluebell House. The tree is a mature specimen, one of several architectural type trees within the curtilage of Bluebell House which contribute to the verdant character of the local area. To date no information has been submitted to demonstrate that the tree is structurally unsound or that it represents an unacceptable health and safety risk. At the time of the site visit the tree was found to be in a relatively sound and healthy condition with no outward signs of any significant defects or decay that would support the significant reduction of lateral growth at this time.

The issues raised are a regrettable but inevitable consequence when living close to mature trees. Seeds and nuts such as conkers are a seasonal nuisance associated with all trees. Allowing trees to be inappropriately pruned to alleviate debris falling from trees (such as conkers) is drastic action particularly when considering the multitude of benefits which trees provide for the Borough. Permitting excessive works of a significant, healthy tree for these reasons is contrary to the principle of good tree management and would set an unacceptable precedent when dealing with similar applications in the future.

Wokingham Borough Council declared a climate emergency in July 2019 which commits us to playing as full a role as possible in reducing our carbon footprint to be net carbon zero by 2030. The Borough Council aims to increase the levels of carbon sequestration through greening the environment and the preservation and enhancement of tree cover in the Borough will play an important role in this.

In view of these concerns, your application to reduce the lateral spread of T1 (Horse Chestnut) by 5m is refused.

You are advised that Wokingham Borough Council consents, with conditions, to the following work being carried out to tree(s) included in the above-mentioned Tree Preservation Order (TPO):

Tree Works to A1 of TPO 811/1996:

T1 (Horse Chestnut):

- Crown lift secondary branches back to suitable reduction points to give 5m height clearance from ground level.
- Tip reduce lateral spread by up to 2m back to suitable reduction points in order to reduce branch weight and overhang.

- At the time of this work, it would be prudent to carry out a visual inspection of the cavity on the trunk at approximately 4.5m above ground level in order to make an assessment of the extent of decay that may be present in relation to sound wood. (Please note Condition 3 – Timings for tree work).

The consent is granted subject to the following conditions:

1. The above works must be completed before 24 January 2027 and in the event of the works not being completed by that date, further consent will be required.
2. Work must be carried out in accordance with British Standard 3998 – 2010 ‘Tree work - Recommendations’. Pruning cuts should not exceed 75mm diameter.
3. The approved canopy reduction shall only be undertaken in mid-late Summer (July – September) when the tree’s energy reserves are at their height or during the Winter months of December – January during the period of dormancy.
4. Climbing spikes shall not be used whilst undertaking any form of works on living trees, except on trees to be felled.

Reasons for conditions 1-4.....

1. To ensure that our records remain accurate.
2. To ensure the health, safety and visual amenity of the tree(s).
3. Considering the tree’s phenological cycle and to avoid any unnecessary detriment to the tree as a result of the pruning work.
4. Climbing spikes can cause damage to trees

Informative:

If you are aggrieved by the refusal of works or any of the conditions attached to your consent, you may appeal to The Planning Inspectorate (PINS). You can only submit a planning appeal online.

For more information go to:

<https://www.gov.uk/government/publications/tree-preservation-order-appeal-form>

Telephone: 0303 444 5570 or e-mail it to: treeandhedgeappeals@planninginspectorate.gov.uk
Your appeal should be received within one month of receipt of this decision or any such longer period as the Planning Inspectorate may allow.

You are advised that this letter is in respect of the **Tree Preservation Order only** and it does not imply that consent would be forthcoming from the owner of the tree(s) or any such other persons from whom consent would be required.

If we can be of any further assistance, please contact the Tree and Landscape Officer via email to: development.control@wokingham.gov.uk

Yours sincerely,

A handwritten signature in black ink that reads "Chris Hannington". The script is cursive and fluid.

Chris Hannington
Trees and Landscape Team Manager

cc. Applicant - Mrs Margaret Lovell, 37 Oaklands Drive, Wokingham, Berkshire, RG41 2SB

Please note that your attention is drawn to the following information:

Bird Nesting Season and Presence of Bat Roosts

In accordance with the Wildlife and Countryside Act (1981) and Countryside Rights of Way Act (2000), consideration must be given to the timing and type of tree work operations, to avoid causing disturbance to any nesting birds or bat roosts that may be present within the tree(s).

The Act makes it an offence (subject to exceptions) to intentionally kill, injure, or take, possess, or trade in any wild animal listed, and prohibits interference with places used for shelter or protection, or intentionally disturbing animals occupying such places.

It is advised that all non-urgent major tree work and hedge cutting operations are undertaken at a time to avoid disturbing nesting birds during the breeding season (to which the bird nesting season is considered to be from March to July). Where bats are suspected to be present, it is recommended that advice first be sought from a licenced bat specialist and if appropriate, the relevant licence(s) be obtained before any major tree work or hedge cutting commences.

Further information can be found at the following:

DEFRA (Department for the Environment Food and Rural Affairs)
Tel: 08459 33 55 77 or by email at helpline@defra.gsi.gov.uk
Website: www.defra.gov.uk/

Natural England
Tel: 0845 600 3078 or by email at enquiries@naturalengland.org.uk
Website: www.naturalengland.org.uk

Bat Conservation Trust
Tel: 0845 1300 228 or by email at enquiries@bats.org.uk
Website: www.bats.org.uk

Forestry Act 1967 and Felling Licences

If it proposed to fell a tree or trees greater than 5 cubic metres or sell more than 2 cubic metres of timber in any calendar quarter, a Felling Licence from the Forestry Authority may be required.

Please note that Felling Licences are not required to remove trees from domestic (residential) gardens. Where you are the landowner of large pieces of land with numerous trees, clarification from the Forestry Commission may be required as to whether a Felling licence is needed.

For more information on Felling Licences, please speak to the Woodland Officer at the Forestry Commission on 01296 696543

Further Information can be found on the Forestry Commission Website:
www.forestry.gov.uk