



Fulford-Dobson Associates Ltd
ARBORICULTURAL CONSULTANCY

Protected Tree Work Application

13 Arbor Lane
Winnersh
Berkshire
RG41 5HY

Tree Preservation Order 1976 - 2024
(Wokingham Borough Council)

Fulford-Dobson Associates Ltd

6 Western Avenue, Henley-on-Thames, Oxfordshire RG9 1JP

Email: office@fulford-dobson.com

Registered in England and Wales (company no. 8951874)

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Project ref	FDA1409
Client	Mrs Kathy Garcia
Date(s)	Tree inspected on 16.01.25 Application submitted on 27.02.25
Author	Jasper Fulford-Dobson FARborA, CEnv Arboricultural Association Registered Consultant



1. Introduction

- 1.1 I have been instructed by Mrs Kathleen Garcia of 13 Arbor Lane to help her with an application to Wokingham Borough Council to remove the oak tree in her front garden (hereby called “the tree” throughout the remainder of this report).
- 1.2 I have carried out an inspection of the tree and been provided with a detailed log of Mrs Garcia’s communication with Wokingham Borough Council.
- 1.3 I am a Fellow and Registered Consultant of the Arboricultural Association and a Chartered Environmentalist with over 32 years’ experience of working with trees and wooded landscapes. My experience includes fifteen years as English Heritage’s appointed tree and woodland inspector, over four years as a local government tree officer and seven years in commercial contracting (tree surgery and woodland/estate management). I hold the Arboricultural Association Technician’s Certificate, National Diploma in Arboriculture and the LANTRA Professional Tree Inspection certificate. I also hold the Bond Solon (Cardiff University) expert witness certificate and I am a trained and licenced user of Quantified Tree Risk Assessment.

2. Background

- 2.1 [REDACTED]
- 2.2 In March 2024 Mrs Garcia moved to 13 Arbor Lane [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] In light of the tree constraints and considering how best to accommodate these essential requirements in a cost effective and sustainable way, Mrs Garcia decided that the subject tree should be removed. She was advised by Wokingham Borough Council’s customer service team on the 16th of May 2024 that the subject tree was not protected and the deeds of her property show that the tree is within her ownership. She therefore instructed a tree surgeon to remove the tree on the 10th of June 2024. She was acting within the law and not doing anything morally wrong.
- 2.3 Part way through the tree felling operation the Council’s Highways team insisted that the felling was stopped on the grounds that traffic was building up as a result of the work and a diversion from a nearby road closure. They then wrote to Mrs Garcia on the 14th of June to explain that they believed that the tree was rooted in the adopted public highway and therefore a council-maintained asset and requested that no further work was carried out until the matter was resolved. Meanwhile, half of the tree has been removed and it has been left standing badly unbalanced, potentially hazardous and without doubt very unsightly (see photos on page 5).

2.4 No further contact was made by the Council, until on the 18th of June a Tree Preservation Order (number 1976 of 2024) was served on the remaining part of the tree. By the 25th of June, there was still no further progress or answers to Mrs Garcia's questions from the Highways department.

2.5

[REDACTED]

2.6 No further attempt was provided by the Highways Team to provide clarity on their claim that the tree is a Council owned asset. So, Mrs Garcia tried to progress the matter through the Tree Management Team. She finally received a response on the 13th of August (two months after the felling operation was stopped). The Team Leader of the Operation Tree Management Team, advised the following: -

- The Council was of the opinion that the tree was a Council-owned asset.
- There was an insignificant risk currently associated with the tree.
- There was a need for some minor sympathetic pruning to re-shape the canopy in the winter months to ensure the trees longevity.
- The tree will be included on an 18 monthly cyclical inspection regime going forward.

2.7 Mrs Garcia submitted her objections to the TPO and on the 12th of December, six months after her work was stopped, the Council's Tree Officer wrote to advise that they had decided to confirm the TPO for the following reasons: -

- The tree would very likely recover and continue to contribute to the amenity of the street which otherwise has very few trees and therefore little arboricultural amenity.
- The TPO can ensure replacement tree(s) will be planted in case the existing tree needs to be removed.

In addressing Mrs Garcia's specific concerns about the tree and the constraints it presents [REDACTED], the officer advised that there were special engineering solutions available that would enable retention of the tree whilst allowing realignment and resurfacing. This is effectively known as a no-dig cellular confinement system, commonly used within root protection areas in new developments. The officer further advised that if there were no other alternatives to the removal of the tree, a suitable mitigation strategy would be required – for example replacement planting on another part of the front of the property and/or new planting on Council land along the road frontage.

The officer concluded by confirming that removal of the tree is not impossible given the appropriate reasons and replacements. [REDACTED]

[REDACTED]

3. The tree



Figures 1 & 2: the tree seen from Arbor Lane (left) and the front garden of 13 Arbor Lane (right)

- 3.1 The tree is mature but not veteran, ancient or locally notable and there are other trees along this stretch of Arbor Lane that provide public visual amenity (see photos in figures 3 and 9).



Figure 3: view of the treescape along Arbor Lane (looking south)

- 3.2 It is not within the scope of my agreed input for this application to cast judgement on Mrs Garcia's decision to want to remove the tree. I can only comment on its current condition and likely response to the partial felling and proposed remedial work, the viability and likely impacts of installing a no-dig construction within its root zone (and the effects it may have on that structure in the future) and suitable replacement planting should it be removed.
- 3.3 Irrespective of what has happened prior to my involvement, the above photos clearly show the tree's current form and landscape quality, which can only be described as unsightly and totally unsuitable to be left in such a condition. How the Council could justify serving (let alone confirming) a TPO on such a specimen is questionable – indeed I would go so far as to suggest the spirit of the legislation has been stretched somewhat in this case.
- 3.4 Whilst I accept that remedial pruning is an option to address its current unsightly and structurally unbalanced form, I don't agree with the Council that it requires only some "minor sympathetic pruning to re-shape the canopy". It will require heavy topping and lopping to match the stumps that have been left and there will be no "canopy" left. This is contrary to best practice pruning according to British Standard 3998 *Tree work – recommendations* (2012), which I suspect the Council would normally refuse in relation to protected tree work applications.
- 3.5 There is a slim chance that the tree could recover from such crude treatment by producing some new shoots, however, I am sceptical because it exhibits symptoms of declining vigour and minor shoot dieback in the outer periphery of the canopy (see image below). It could therefore be argued that its ability to recover is already compromised by declining vigour. The precise reasons for the declining vigour are not known but are more than likely a combination of recent drought years with extreme heat in 2018, 2019 and 2022 and being surrounded by utility trenching and hard surfacing.



Figure 4: close-up of the tree in May 2023 (courtesy of Google & partners)
– areas of shoot tip dieback circled in red



Figure 5: close-up of the tree in January 2025 (areas of dieback circled in red)

- 3.6 The tree is located on the driveway side of the edging stones that define the edge of the driveway and the pavement. Whilst it is accepted that a buttress extends very slightly into the pavement, the vast majority of the footprint of the tree is within the front driveway. Please see photos on the following page and the title deeds map in appendix I.



Figure 6: close-up of the tree's location.

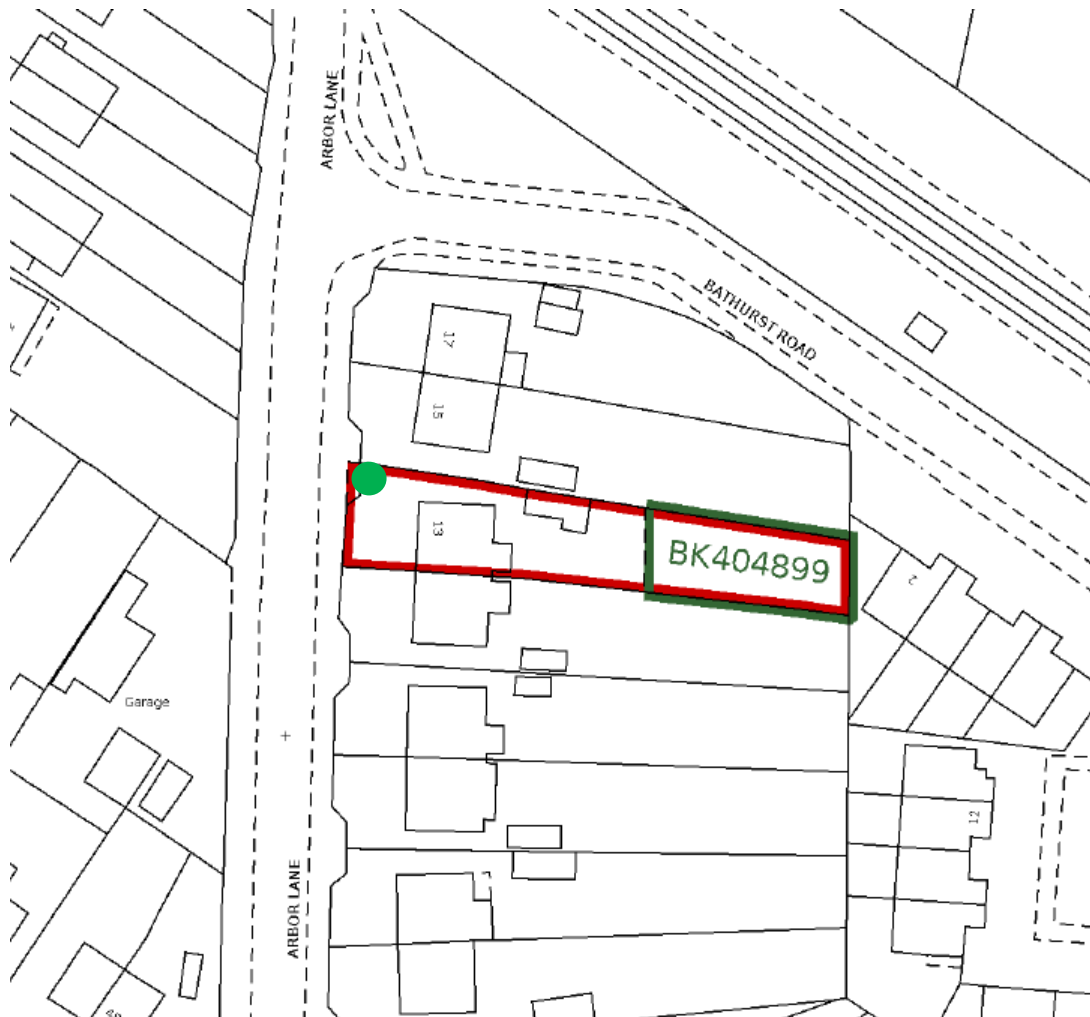


Figure 7: the tree's location (green spot) on the title plan

4. Proposed work

- To complete the felling of the tree.
- To plant two new native trees on the highway verge at the junction of Arbor Lane and Bathurst Road. I recommend one English oak and one wild cherry, planted as containerised standards at 3m height.



Figure 8: proposed replacement planting



Figure 9: existing trees at junction of Arbor Lane and Bathurst Road

5. Reasons for the work

- 5.1 Levelling and resurfacing the driveway is required [REDACTED] for Mrs Garcia and this will result in damage to the tree's roots and lead to further stress on its physiological functioning. Add this additional stress to the partial felling and the Council's proposed removal of the rest of the crown and we have a situation where the tree will very likely enter into a spiral of terminal decline.
- 5.1.1 The tree's roots are predominantly occupying the top 600mm of the soil under the existing gravel driveway and will be damaged if using traditional construction techniques (e.g digging down 350mm, laying down 200-250mm scalpings and compacting them with a wacker plate, then building back up to existing levels with block paving or resin-boned non-slip gravel (no higher than the pavement)).
- 5.1.2 Adopting a no-dig cellular confinement system technique is not cost-effective, realistically viable or sustainable because: -
- The build up would need to be in excess of 300mm ¹ above existing levels to support the expected vehicle loads, which would result in an unacceptable level change from the pavement onto the driveway. Raising the pavement to match is obviously not an option and installing any form of ramp at the apron between the pavement and driveway would be too close to the buttresses and major structural roots leading to unacceptable damage to the tree and distortion to the construction in the future.
 - Even no-dig construction can increase the bulk density of a soil to some degree and the vast majority of the tree's rooting zone is already under hard surfacing and consolidated soil (road, pavement and neighbours asphalt driveway). British Standard 5837 *Trees in relation to design, demolition and construction* advises that new hard surfacing should not exceed 20% of any existing unsurfaced ground within the trees root protection area. Re-surfacing the existing gravel driveway (which could be considered as existing unsurfaced ground) would be in contravention of this principle and cause further stress the tree's physiological function. Furthermore, the site lies on London clay formation, which is particularly sensitive to any disturbance associated with construction and resurfacing. Such extensive hard surfacing occupying the virtual entirety of the tree's root zone will result in reduced levels of oxygen and water and reduced biological activity in the soil, ultimately impairing root growth and function and decreasing uptake of water and nutrients, thus increasing susceptibility to pathogens, disease and leading to a spiral of physiological decline.
 - It is generally accepted best practice to leave a minimum of a 0.5m gap between the tree and the edge of new no-dig cellular confinement construction to avoid future distortion of the construction by direct contact through the incremental growth of the buttresses and large structural roots. This is not feasible in this case.

¹ Arboricultural Association's Guidance Note 12 – The use of cellular confinement systems near trees – a guide to good practice (section 2.1/22)

- 5.2 The dropping of acorns, dead branches, leaves etc... on the driveway would present a hazard for Mrs Garcia [REDACTED] The clearance of such material is normally expected as part of day to day property maintenance and on its own is not considered as sufficient justification to fell a protected tree. [REDACTED]
[REDACTED]
[REDACTED] Additional pruning sufficient to prevent acorn production would not bring significant benefit and is not a sustainable long-term solution.

6. Conclusions

- 6.1 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- 6.2 It is important to stress the fact that Mrs Garcia was not doing anything wrong (legally or morally) by trying to remove the tree and create a safe access into her new home in the first place. There is considerable local support and understanding for her situation and for the removal of the tree, as demonstrated by the accompanying letters in appendix II.
- 6.3 The likelihood of the tree surviving the partial felling and further heavy topping and lopping is slim. Its current amenity value is very low (it looks ridiculous to put it mildly) and its future potential amenity value is also questionable. No amount of remedial pruning will ever be able to recover its natural form. It is therefore argued that its loss (in its current or future form) will not have a significantly detrimental impact on the amenity of the local area and the proposal is justified given Mrs Garcia's [REDACTED] legal entitlement to safe access to her property.
- 6.4 To prevent safe and level access being installed using cost-effective traditional construction by refusing this application on the grounds that the butchered tree might possibly survive even though the odds are stacked against it would be nonsensical. Just the same, insisting on Mrs Garcia paying considerably more for onerous and non-viable no-dig construction techniques which will still result in disturbance and further stress to the tree is unreasonable when its long-term future is not guaranteed.
- 6.5 A more sustainable long-term and viable solution is to fell the tree, use traditional (cheaper) driveway construction techniques and carry out replacement planting. The Council are therefore urged by Mrs Garcia and the signatories in the supporting letters to show some pragmatism and understanding to her situation and grant consent for the removal of the remainder of tree under condition of replacement planting.

Note: As the proposed location for replacement planting is on Council (highways) land, I might suggest that Mrs Garcia pays for the cost of purchase and planting of the new trees and the Council subsequently takes care of the establishment and future maintenance. This would seem reasonable given the Council believe the oak is within the adopted highway (and thus one of their assets). That said, since the tree is clearly within the red line of the property on the title deed plan for 13 Arbor Lane, it is proposed that this provides sufficient evidence that the tree does in fact belong to Mrs Garcia.

PLAN I

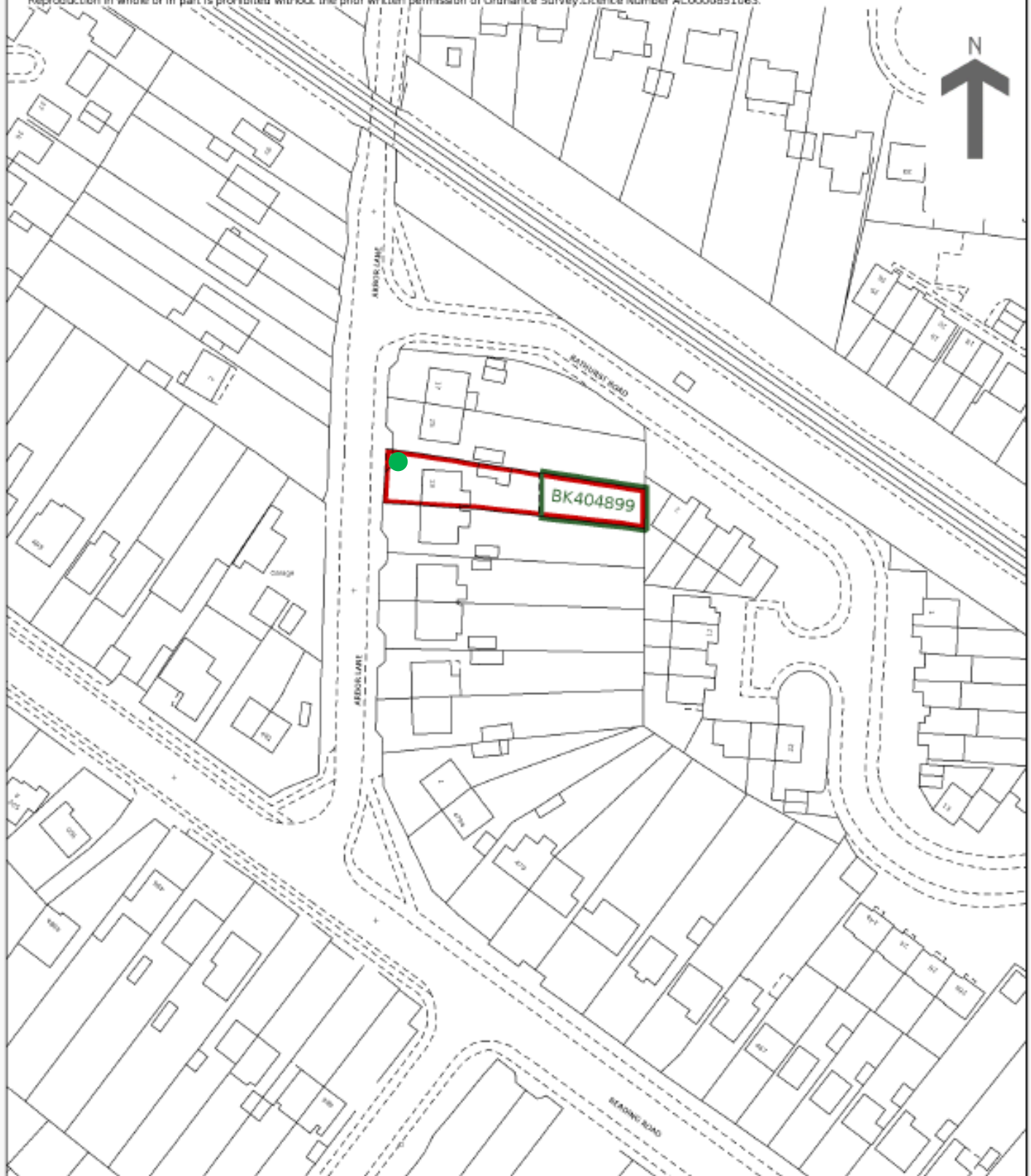
Tree location plan

HM Land Registry
Official copy of
title plan

Title number **BK170674**
Ordnance Survey map reference **SU7770NE**
Scale **1:1250**
Administrative area **Wokingham**



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The oak tree shown as a green spot



APPENDIX I





APPENDIX I

Letters of support

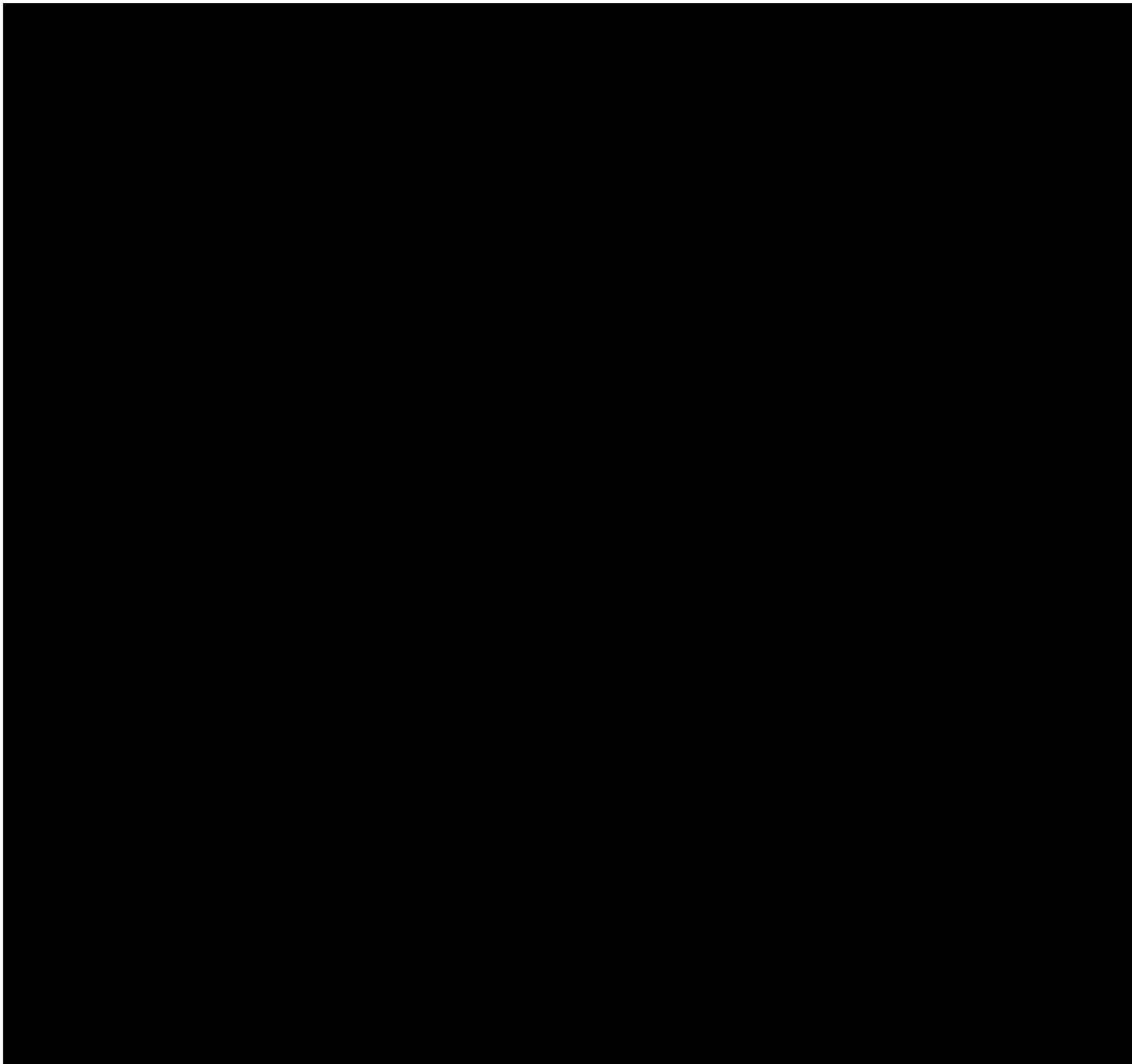
Tree Management Team,
Wokingham Borough Council,
Shute End,
Wokingham,
Berkshire.
RG40 1BN.

RE: TPO 1976/2024

I have been approached directly by the owners of 13 Arbor Lane (Kathy & [REDACTED] Garcia) They have highlighted [REDACTED] and their need to be able to fell the tree at the front of their property. [REDACTED]
[REDACTED]

If it is removed, I understand they have offered for a new tree to be planted to address the treescape balance somewhere more appropriate. The tree in its current state appears off balanced and potentially dangerous. I feel it offers no visual benefit to the residents, visitors and businesses in the area.

Having now fully understood their need and why, I am confirming my support for the felling of the tree, as confirmed on the attached table.



Dear Sir,

We live at number 15, Arbor Lane and would like to give our opinion on the Oak Tree at the front of number 13, next door.

We would be very happy for the tree to be removed for a number of reasons

1. The roots are ruining our drive, making it impossible for us to lay any sort of paving and giving us concerns about future damage to our foundations as they spread.
2. The quantity of acorns it drops are a hazard to walkers, cyclists, etc as they cause an unstable carpet. They also grow everywhere and we are constantly pulling them from our garden. Branches also drop which can cause damage to vehicles, we spend a lot of time clearing our garden from oak tree detritus. We have had to construct a carport to protect our car.
3. Our mains electricity cable crosses number 13's front garden, when we first moved in we had to pay to get the branches cut back as they were banging against said cable. We also had lower branches removed to clear out view of the road when pulling out in our vehicle and to prevent them from hitting our vehicles roof, total cost £720. If the tree stays, it will obviously grow and we would rather not have this expense on a regular basis, [REDACTED]
4. As the tree has been partially cut back it is now an eyesore and does nothing for the aesthetics of this area. We know next door are happy to replace with an appropriate tree in a more sensible place.

Hoping you will take our opinions into consideration.

Yours faithfully

[REDACTED]