

Tel: (0118) 974 6000
Email: development.control@wokingham.gov.uk
Date: 30 December 2024
My ref: SCD/TPO/0726/1995/242616



WOKINGHAM BOROUGH COUNCIL

Mr Giles Perry
Trelawney
Elm Road
Earley
Berkshire
RG6 5TB

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

Dear Mr Perry,

TREE PRESERVATION ORDER NUMBER: 0726/1995
APPLICATION NUMBER: 242616
LOCATION: ELM ROAD EARLEY BERKSHIRE RG6 5TB

I am writing to you regarding your application to carry out works to protected tree(s), which was received on 15th October 2024 and validated on the 30th of October 2024.

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 Area 1 of TPO 0726/1995:

T1, Lime

- Fell.

T2, Oak

- Fell.

T3, Oak

- Pollard to 2/3 height.

Reasons stated for works:

T1 Lime Tree Twin stemmed: - Over hanging buildings with branches lying on roofs causing damage to both Trelawney and adjoining Maranede obstructing growth of adjoining Redwood Tree:

T2 Oak in poor condition and leaning: overhanging buildings with branches lying on roof, trunk obstructs opening of garage doors, and damaging foundations: Both to Trelawnwy and Maranede

T3 Oak: Overhanging highway and overhanging highway and encroaching buildings, significant deadwood at risk of falling, and some disease:

The reason for the works is that the trees (T1 & T2), by virtue of their size are no longer compatible with their location. We have a potential issue with insurance cover. I attach a pdf document (Trees at Trelawney) with photographs confirming the position.

Works proposed to T3 are for reasons of highway safety, and to ensure that it remains compatible with its position.

Application to be amended to provide for felling of twin stemmed Lime Tree (T1 on plan) as inspection reveals that the main trunk is in contact with the building at ground floor level.

Reasons stated for refusal:

It is the responsibility of the applicant to supply adequate proof, with the TPO application, regarding the specification and reasons for the proposed works.

The proposed application is for the removal of two outwardly healthy significant protected trees and the 'pollarding' of a visually significant Oak.

I note that the 'yes' box has been ticked with regards to concern about the condition of the trees in which case, Section 4 of the application form requires that written evidence or diagnostic information from an arboriculturist, or another appropriate expert should be provided. However, to date no technical or professional information has been provided to demonstrate that the trees are hazardous or that the trees removal is a proportionate response to an identified risk.

T1 – Lime is a prominent mature tree. A wooden building has been constructed adjacent to the tree with little allowance for future tree growth and the trunk is now touching the guttering. It is unfortunate that the structure was erected this close to the tree however, removing the tree now due to the proximity of the wooden outbuilding would be drastic action. Alternatives should be explored such as amendments to the guttering / roof or moving the structure which may enable the tree to be retained in this location.

An application can be submitted for permission to remove or cut back low branches in order to create reasonable clearance over the adjacent outbuildings if required. Where trees are implicated in tree related subsidence / property damage then further structural information and monitoring data would be required in order to support an application to remove healthy protected trees.

T2 – Oak has a suppressed, asymmetrical crown. An asymmetrical canopy is perfectly usual form for trees growing as a group as a response to competition for light and will grow to create the largest and most productive photosynthetic crown possible in an area not crowded by the canopies of the surrounding trees.

An asymmetrical canopy, is not a defect that requires resolving unless there are associated symptoms of biomechanical stress and weakness such as fibre buckling, weak forks, ribs of adaptive growth, separation of branches or splits etc. No information has been included to suggest the tree is unstable or defective such that its removal is a proportionate response to a accepted safety concern.

An application can be submitted for the removal of low branches if required to create reasonable clearance over the adjacent outbuildings.

T3 – Oak is a highly significant roadside tree. The Borough Council would not usually permit the reduction of the entire canopy of an otherwise healthy protected tree, particularly when it has not been reduced before and where there is no health and safety justification provided to demonstrate a need for this work.

The proposed reduction would disrupt the flow of plant hormones created in the branch tips, thus reducing the overall health and vigour of trees by removing the energy stored in the severed branches. The work would create large pruning cuts throughout the canopy of the trees which would act as entry points for decay pathogens and contrary to accepted standards of arboricultural good practice (BS:3998 2010 Tree Works Recommendations).

Following the work, the tree would need to expend more energy sealing the pruning cuts to prevent the spread of decay and to replace the lost foliage and photosynthetic area. The regeneration from the pruning points will have a weaker attachment to the parent branch and it is likely that the trees would need re-pruning as part of any future management following this work in order to reduce the risk of future branch failure. Therefore, the impact of the reduction on both the health and amenity of the tree would be long-lasting.

If there is concern over the health and safety for any of the above trees I recommend a tree survey by a certified arborist is undertaken to provide clear evidence as to the tree's health, and any health and safety issues associated with regards to a justification for further tree works, if required.

The Council has concluded that the proposed works as outlined (above) in your application, would be excessive and harmful to the health and wider amenity of three significant protected trees. No evidence has been submitted to demonstrate the individual trees as being significantly impaired or that the works are to address an immediate health and safety concern.

Due to the reasons stated above your application has been refused.

Any future applications submitted with additional evidence and justification for the works, will be duly considered.

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.

Informative:

You are advised that the removal of deadwood from a protected tree does not require an application to be submitted to the Borough Council and can be undertaken in accordance with Arboricultural good practice following 5 day's notification to the Borough Council.

If you are aggrieved by the refusal of works, you may appeal online to The Planning Inspectorate (PINS).

For more information go to:

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

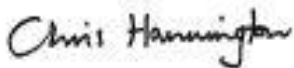
Telephone: 0303 444 5570 or e-mail it to: treeandhedgeappeals@planninginspectorate.gov.uk

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,



Chris Hannington
Trees and Landscape Team Manager

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