

Tel: (0118) 974 6000
Email: development.control@wokingham.gov.uk
Date: 19 September 2024
My ref: TF/TPO/874/1997/241913



WOKINGHAM BOROUGH COUNCIL

Mr Rahul Sood
308 Nine Mile Ride
Wokingham
RG40 3NN

Place and Growth
Development Management Team
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR

Tel: (0118) 974 6000

Dear Mr Sood,

TREE PRESERVATION ORDER NUMBER: 874/1997

APPLICATION NUMBER: 241913

SITE ADDRESS: ADJACENT TO 306 NINE MILE RIDE, FINCHAMPSTEAD, WOKINGHAM, RG40 3NN

I am writing to you regarding your valid application to carry out works to protected tree(s), which was received on the 24 July 2024 and validated on the 29 July 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 W1 of Woodland TPO 874/1997:

T1 Sweet Chestnut:

- Prune the branches over 308 Nine Mile Ride garden by 6 metres.

Reasons stated for works:

- The branches of the tree come to our garden and when the tree sheds the leaves and fruit in autumn, it damages our patio and the lawn very badly. To an extent that the new lawn which was laid in May-2023 has been totally damaged.
- The Chestnut Tree in the woodlands mentioned above is in the property for 306 Nine Mile Ride. As this tree is on the back boundary of our house on 308 Nine Mile Ride, some branches of this tree come into our property.
- As mentioned, this is a very large & heavy tree. The leaves and fruit from this chestnut tree are ruining our patio tiles leaving dark marks on them, which are permanent in nature.

- The leaves & fruit also come on to our lawn area and it has damaged the whole grass. We would like to cut the branches coming into our garden. Please see the pictures attached showing the whole tree and the branches coming into our garden which will be pruned back.

Officer comments:

When looking to undertake works to a protected tree it is the responsibility of the applicant to supply adequate proof with the TPO application, in the form of 'written arboricultural advice or other diagnostic information from an appropriate expert.' To date, no detailed arboricultural information has been submitted to demonstrate that the tree is dangerous or diseased or that the proposed work is in the interests of health and safety.

The subject Sweet Chestnut tree is mature with a full crown that exhibits good vigour and vitality indicative of high energy levels and a healthy physiological condition making a significant contribution to the environment and appearance of the local area.

The proposed reduction of overhanging branches by 6m will have a detrimental effect on the health and visual appearance of the tree. It would result in extensive loss of leaf and live material and cause multiple large pruning wounds, which would impair the trees' ability to produce carbohydrates and sustain themselves making them more susceptible to disease and decay.

Trees are natural growing organisms. Leaves, twigs, flowers, fruit and pollen are a normal consequence of living with trees and their clearance is considered part of normal property maintenance and therefore not sufficient justification to warrant the inappropriate pruning of significant trees.

Whilst the Council appreciates that a certain amount of pruning appears justified to provide adequate height clearance beneath the crown and to adjacent garden structures, the submitted work specification would be disfiguring for most kinds of tree and is also likely to cause severe dysfunction and decay in major structural parts of the wood which will then require careful management going forward as the new branches increase in girth and weight.

On balance the reasons and information submitted with the application are not sufficient justification for the proposed work. However, if there are concerns over a trees structural integrity the Council would welcome a further Tree Work Application supported by appropriate levels of arboricultural evidence i.e. full VTA, aerial inspection (with photographs of all bio-mechanical defects) and results of any internal decay detection investigations of the lower main stem and/or scaffold branches (i.e. Sonic Tomograph and/or Resistograph Drill) to justify the proposed works.

Due to the reasons stated above the proposed work to the subject Sweet Chestnut tree has been refused.

However, I can confirm that Wokingham Borough Council **consents, with conditions**, to the following work specification being carried out to the tree(s) included in the aforementioned Tree Preservation Order (TPO):

Approved Tree Work to W1 of Woodland TPO 874/1997:

T1 Sweet Chestnut:

- Tip reduce lateral spread overhanging the garden of 308 Nine Mile Ride only by up to 2m to a height of no more than 5m from ground level.
- Tip reduce branches to provide a lower crown clearance of 4m above ground level and ensure a 2m height clearance over adjacent garden buildings.

The consent is granted subject to the following conditions:

1. The above works must be completed before **19 September 2026** 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’. Ensuring all branches are taken back to a suitable growth point and should only involve the tip reduction of minor tertiary and secondary branch ends to create some vertical lift of the tree canopy to 4m above ground level and must avoid the removal of main structural branches and branches in excess of 60mm in diameter back to the main stem
3. Climbing spikes shall not be used whilst undertaking any form of works on living trees, except on trees to be felled.

Reasons for conditions 1-3.....

1. To ensure that our records remain accurate.
2. To ensure the health, safety and visual amenity of the tree(s) and ensure works are undertaken in accordance with recognised arboricultural good practice.
3. Spikes can cause extensive long-term damage to trees.

Informative:

If you are aggrieved by any of the conditions attached to your consent, you may appeal to The Planning Inspectorate (PINS). Because of coronavirus (COVID-19), you currently can only make a planning appeal online. You cannot currently apply by post.

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 signature is written in a cursive style with a large 'C' and a long, sweeping underline.

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