

REPORT SUMMARY

TREE PRESERVATION ORDER NO: 0025/2019/TPO			
ADDRESS Court House, Broom Park, Langton Green, Royal Tunbridge Wells, Kent TN3 0RF			
TPO Served Date: 04.10.2019		TPO Expiry Date 04.04.2020	
Served on: The Owner/Occupier, Court House, Broom Park, Langton Green, Royal Tunbridge Wells, Kent The Owner/Occupier, Winterbourne, Langton Green, Royal Tunbridge Wells, Kent			
Copied to: GIS Team TWBC Parish/Town Council Land Charges Team			
Representations		Support: 0	Objections: 2
RECOMMENDATION: CONFIRM with modification (See Section 6.0 for full recommendation)			
SUMMARY OF REASONS FOR RECOMMENDATION: This tree was omitted from previous TPOs at Broom Park despite sharing similar features with nearby protected trees. It is of public amenity value and should be protected, and its future replacement is only enforceable if a valid TPO is in place.			
REASON FOR REFERRAL TO COMMITTEE All TPOs with unresolved objections are presented to the Planning Committee for decision if the recommendation is to Confirm.			
WARD Speldhurst & Bidborough		PARISH/TOWN COUNCIL Speldhurst Parish Council	SITE OWNER Court House
DECISION DUE DATE n/a		OBJECTIONS DEADLINE 1 November 2019	OFFICER SITE VISIT DATE 11 September 2019
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
Applications			
19/02259/TPO	TREES: WESTERN HEMLOCK (T1) - Fell; NOBLE FIR (T2) - Fell	Refused	25/10/19
18/03082/TPO	MACROCARPA (T1) – Fell	Permitted	26/11/18
15/504539/TPO	TPO application to Fell - 2no Hemlock trees	Permitted	29/07/15
85/01146/FUL	Five detached dwellings with garages. New access road via Broom Lane, amended plans "minor house design alterations"	Permitted	13/11/85
Tree Preservation Orders			
0025/2019/TPO	See section 5 below		Provisional
012/2007	Various trees between Broom Park and Holmewood Ridge		Confirmed
042/2003	Various trees at Broom Park and along Broom Lane		Confirmed

011/1985	Various trees east of Broom Lane	Confirmed
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MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 Broom Park is a private cul-de-sac on Broom Lane, immediately south of Holmewood Ridge and near to but outside of the Langton Green Conservation Area.
- 1.02 There are various Individual, Group, Area and Woodland TPOs on or near Broom Park.
- 1.03 The fir subject to this provisional TPO is located in the residential front garden of Court House, on the boundary with Winterbourne.

2.0 BACKGROUND

- 2.01 A TPO (no. 011/1985) was made at the time the development of Broom Park was considered. This included numerous trees along the boundary of what would become Broom Park.
- 2.02 Subsequent TPOs were made (nos. 042/2003 and 012/2007), in part reflecting changes to the condition and value of trees within Broom Park.
- 2.03 This fir was part of a group of four trees, two of which were removed with permission last year. Those two trees (both hemlocks) and a retained hemlock formed G3 of TPO no. 042/2003 which, in my view, erroneously excluded the largest, most visible and longest-living member of the group, the fir.
- 2.04 A TPO application (no. 19/02259) was made to remove the last remaining hemlock of G3. This application included the fir, though the fir was explicitly included in any of the TPOs at Broom Park. This provisional TPO was made in response.
- 2.05 Replacement planting was proposed in that application.

3.0 LOCAL REPRESENTATIONS

- 3.01 The TPO was served on Court House and Winterbourne.

4.0 OBJECTIONS

- 4.01 The objections are summarised below with the tree officer's response shown in italics.

Objection 1 – The Order is inconsistent with earlier LPA decisions concerning removal of protected trees in this area, in particular with permission given in November 2018 to remove a Monterey Cypress on the boundary of Court House and Broom House and amendments made to TPO no. 042/2003 to exclude Grand Firs from area A1 (in the rear gardens of Court House, Winterbourne, Dane Field and 5 Broom Park).

My predecessor recognised that the Monterey cypress (Cupressus macrocarpa) made a good contribution to public amenity but considered that works to manage the tree would diminish this value. Any requisite pruning of

the fir should be possible without substantially impacting its amenity value and therefore its continued retention is reasonable.

I was not part of the decision to confirm TPO no. 42/2003, and the TPO schedule does not identify the reasons for excluding the Grand Firs from A1. An objector has provided minutes which include the remark that “officers reported that on inspection of the area A1 it was agreed that the grand firs should be omitted specifically from the area A1 as they were one of the fastest growing species in Britain and were considered to be unsuitable for the garden of the property in question”.

As I did not assess those particular specimens I cannot comment on their suitability for inclusion in the TPO, but the fact that a species is fast-growing, of large ultimate height and in a residential garden does not preclude it from consideration for a TPO – many Wellingtonias fit this description. That the Grand Firs were initially included in TPO area A1 suggests their protection had some merit.

I would note there were four Grand Firs retained in the same TPO (in group G2) on land north of October House and 5 Broom Park, as well as Grand Firs in W1 south of Winterbourne, Danefield and 5 Broom Park.

In his delegated report for TPO application no. 15/504539, the former tree officer notes the desirability of the retention of this fir.

Objection 2 – The height and proximity of this tree to Court House concerns the house’s occupants.

I can understand the objectors’ apprehension, but in the absence of specific structural defects failure of this tree is not likely.

Increased wind exposure following the removal of neighbouring hemlocks was referenced in comments in support of TPO application no. 19/02259. I understand that the felled hemlocks were of similar size to the retained specimen and would therefore have provided limited wind protection to the much taller fir. This is supported by the limited evidence of crown suppression on the fir.

Objection 3 – The tree shades the front lawns of Court House and Winterbourne, and lounge of Court House. Its growth is mostly towards these properties.

This tree is located to the north-east and north-west of those properties, respectively, and both their gardens and front elevations should receive a reasonable amount of light throughout the day. This tree will not block direct sunlight to the house’s elevations or most of the gardens.

The tree has a longer crown spread to the south due to historic suppression of the lower crown by neighbouring hemlocks, and possibly as a phototropic response to the position of the sun. Given the tree’s evident age, I would not expect the crown spread to significantly increase.

Objection 4 – This tree is an inappropriate species for a domestic garden and makes a negative contribution to the local environment.

The assessment of the suitability of trees for a TPO must be made on a case-by-case basis. There is no restriction in the relevant legislation or planning guidance on what species may be protected in a domestic garden.

Tree cover is a function of site history, and trees subject to TPO are often not those species which would be selected for planting by the site owner or LPA. Nonetheless, grand firs are not unknown in domestic gardens as specimen plantings and are not, by definition, incompatible with such a setting.

I disagree that the landscape contribution of this tree is negative. There are a diverse range of tree species within Broom Park, including various conifers, and this tree is both impressive and in keeping with the wider tree stock.

Objection 5 – This tree is not a good specimen and has a one-sided crown.

The tree's asymmetry is mostly restricted to the lower half of the crown and screened by the adjacent hemlock (which is largely responsible for this growth pattern). The tree appears to be in good physiological and structural condition and in my view this asymmetry has not greatly reduced the amenity value of the tree.

5.0 APPRAISAL

- 5.01 This is the most prominent tree within Broom Park and is visible from Broom Lane.
- 5.02 The trunk and crown show no notable defects and no evidence of decline or structural instability.
- 5.03 The tree predates the adjacent properties and, although it will have increased in height and spread since their construction, it will have existed as a tall tree near to these buildings for a considerable period of time already.
- 5.04 This tree is not readily replaceable and should be retained until no longer warranted by its condition. Any tree which could recover this fir's landscape amenity would require many decades of growth to achieve that value.
- 5.05 TPO application no. 19/02259 listed this fir as a Noble Fir, and the provisional TPO was made following information in this application. Upon inspection this was determined to be a Grand Fir.

6.0 RECOMMENDATION

- 6.01 That TPO no. 0025/2019 be confirmed with one modification: change name of tree from Noble Fir to Grand Fir.

Case Officer: **Jeff Mashburn**

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.