

TPO Ref	2019/575
Site Address	Land opp. Laurel Bank, Nettleden Road, Little Gaddesden
Land Owner	National Trust, Ashridge Estate Office, Moneybury Hill, Ringshall, Herts
Tree Officer	Darren Hemmings

1. Recommendation

1.1 That the Tree Preservation Order (ref: TPO/2019/575) be confirmed without modification.

2. Summary

2.1 Dacorum Borough Council (DBC) served TPO/2019/575 to preserve 3 healthy oak, *Quercus robur*, from unnecessary and inappropriate pruning in contradiction of British Standard 3998. Tree Work Recommendations.

2.2 DBC received a notification to undertake works to a tree in the Little Gaddesden conservation area to conduct aggressive pruning (heavy reduction/pollarding) on a mature oak, *Quercus robur*. The reason provided was the adjacent property owners had concerns owing to the oak growing at an angle from the roadside bank and tree failure would cause property damage or injury.

2.3 A tree inspection was conducted by DBC and the oak was deemed healthy with no identifiable defects which would lead to foreseeable failure. The tree owner, the National Trust (NT), conducts annual inspections dating back to 2007 and has identified no health concerns which will lead to failure or any change in condition from their first 2007 inspection. The NT are content to carry on with annual inspections to ensure any changes in condition are identified promptly and appropriate action taken.

2.4 As 3 x oaks are growing out of the roadside bank it was justifiable to serve TPO/2019/575 for all 3 trees.

3. Site Description

3.1 The site is within a conservation area and considered rural in character with limited residential properties. The trees are located on a roadside bank adjacent to the highway (Nettleden Road) serving Little Gaddesden village. There are a limited number of residential properties located on the opposite side of the highway to TPO/2019/575 trees.

3.2 All trees have considerable public amenity being clearly identifiable from the highway and nearby bridle path, forming the frontage of Cromer Wood within the Ashridge Estate.

4. Service of Tree Preservation Order

4.1 A previous notification to do works to trees in a Conservation Area (4/01575/15/TCA) was received to 'Reduce back to previous levels'. This constituted a 10% reduction to all three oaks and was approved.

4.2 A further notification to do works to trees in a Conservation Area (4/01750/19/TCA) was received to 'Heavily reduce / pollard using veteranisation techniques' on the largest oak (T3). This led to serving TPO575.

5. Legislation and Policies

5.1 Town & Country Planning Act (1990) as

- Town & Country Planning Act (1990) as amended – Part VIII
- Town & Country Planning (Tree Preservation) (England) Regulations 2012.

5.2 National Policy Guidance

- National Planning Policy Framework (NPPF): paras 170 and 175.
- National Planning Policy Guidance (NPPG): Section 8: "Natural Environment" and Section 36: "Tree Preservation Orders and trees in conservation areas"

5.3 Adopted Core Strategy (adopted 2013)

- Policy CS13: Quality of the Public Realm
- Policy CS25: Landscape Character
- Policy CS26: Green Infrastructure

5.4 Saved Policies of the Dacorum Borough Local Plan (1991-2011)

- Policy 99: Preservation of Trees, Hedgerows and Woodlands

6. Representations

Consultation comments received

6.1 Objections to TPO/2019/575 were received from Mr Dan Graham (Home Farm Lodge), Mr J A Corner (Laurel Bank), and Mr S L Buchanan-Barrow (Shepard's Cottage). Objections to TPO/2019/575 focused on the potential of a leaning mature oak to cause property damage and injury if failure occurred. Mr Dan Graham's objection was supported by Councillor Terry Douris.

Response to consultation comments

6.2 Resulting correspondence from DBC aimed to justify TPO/2019/575 as both historic and recent inspections had identified no safety concerns from the oak trees by both DBC and the National Trust (NT). In addition, no sound arboricultural reason was established by the objectors as to the need to conduct such drastic pruning (pollarding) and a request by DBC that if arboricultural evidence identifying defects which would likely lead to failure be submitted for appropriate consideration. No sound arboricultural evidence has been received by DBC to date.

7. Considerations

Introduction

7.1 Local planning authorities can make a Tree Preservation Order if it appears to them to be '*expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area*'. (s.198(1) of the Town & Country Planning Act (1990) as amended). It is therefore necessary to consider the amenity value of trees subject to this TPO, as well as the expediency of confirming the TPO.

Visibility

7.2 Being part of the Chilterns Area of Outstanding Natural Beauty (ANOB), Little Gaddesden has a predominantly wooded characteristic. The trees are clearly visible from the highway and nearby bridleway, and this prominence gives them significant importance in the locality. Owing to the narrow width of the carriageway and adjacent Cromer Wood trees are not visible over a long distance.

7.3 As the trees are located towards the highway frontage of Cromer Wood they are visible by all vehicle traffic entering and existing the southerly access of Little Gaddesden using the Nettleden Road.

Individual, collective and wider impact

7.5 All trees are considered mature and are of sufficient size to offer significant presence to the immediate character of the conservation area and wider landscape.

7.6 Tree pollarding/crown removal will reduce the treed landscape and lead to a more open characteristic when entering Little Gaddesden along Nettleden Road, to the detriment of Chilterns ANOB character.

Other factors

7.7 All trees are native and offer significant benefit to endemic local wildlife and Cromer Wood, as a whole.

7.8 Oak sequester significant amounts of carbon from the atmosphere compared with other tree species, reducing the impact of climate change.

Expediency of confirming the TPO

7.9 All trees are at immediate risk of being inappropriately pruned, not in accordance with current best practice guidance British Standard 3998: 2010. Tree Work Recommendations.

7.10 Although the NT is considered a responsible tree owner pressure from local home owners has led to this TPO being served. Confirmation of the TPO/2019/575 will enable NT to resist future challenges from residential owners more robustly where similar tree conflict is present merely by threat of TPOs being served and confirmed.

8. Conclusions

8.1 The three oak trees subject to this TPO appeal are mature and healthy specimens that complement the street scene entering Little Gaddesden and make a very positive contribution to the amenity of the area. Therefore, TPO/2019/575 should be confirmed to ensure the preservation of these oak trees from inappropriate arboricultural pruning.

8.2 Confirmation of TPO/2019/575 will provide clarity to the NT Ashridge Estate that DBC will not support conservation area applications for inappropriate pruning works contrary to arboricultural best practice. It is expected confirmation of this Order will afford greater levels of protection to trees managed by NT Ashridge Estate from landowner pressure to perform acts of inappropriate pruning or felling by threat of serving and confirming TPOs.

8.3 Failure to confirm TPO/2019/575 may set a precedent and lead to further applications for inappropriate pruning or tree felling where homeowners concerns contradict arboricultural best practice.

9. RECOMMENDATION – That the Tree Preservation Order (ref: TPO/2019/575) be confirmed without modification for the reasons stated above.