

## **Tree Preservation Order 039/2016**

### **Oak tree to the rear of 18 Ricardo Road, Old Windsor SL4 4NT**

#### **1. Background:**

Tree Preservation Order (TPO) 039/2016 was made on the 8<sup>th</sup> of November 2016 to protect an Oak tree to the rear of 18 Ricardo Road, Old Windsor. The TPO was made in response to concern raised by a local resident over the prospect of significant detrimental pruning of the tree.

TPO 039/2016 relates to a single Oak tree as per the specification below:

T1 – Oak tree (*Quercus robur*)

#### **2. Objections:**

One letter of objection was received from Mrs Baker. The objection is summarised below:

- The TPO Schedule states the tree (T1) is located to the rear of 18 Ricardo Road, west side of the ditch. There has been no ditch in this location since approximately 1996. I therefore suspect that no inspection was carried out prior to the TPO being issued.
- The Ordnance Survey map showing the location of the tree is incorrect. The map shows a ditch located between 49-53 Saxon Way, 91-95 Meadow Way and 17-19 Ricardo Road. As stated previously this ditch no longer exists. Residents of 49 -52 Saxon Way have extended the boundaries of their properties to the westernmost line of the former ditch, by purchasing/ renting said land from it's current/former owners – Michael Shanly. T1 is therefore located on land rented by 49 Saxon Way.
- Why was no TPO issued for the tree immediately adjacent to it which is of a similar height and dimensions and is similarly clearly visible from Ricardo Road, Meadow Way, Saxon Way and Straight Road, and makes a significant contribution to the street scene?

#### **3. Response to the objection and justification for the order:**

Under the Town and Country Planning Act (1990) local authorities may make a TPO if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area. The Act does not define amenity, nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In the Secretary of State's view, a TPO should be used to protect

selected trees and woodlands if their removal would have a significant impact upon the local environment and its enjoyment by the public. Local planning authorities should be able to show that a reasonable degree of public benefit would accrue before the TPO is made or confirmed. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath. Trees may be worthy of preservation, amongst other reasons, for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore or future development; the value of the trees may be enhanced by their scarcity; and the value of a group of trees or woodland may be collective only. Other factors such as importance as a wildlife habitat may be taken into account which alone would not be sufficient to warrant a TPO.

In this case, it is considered the tree, due to its size and position is a prominent feature, softening the built form and makes a significant contribution to the appearance of the local area. It is a veteran tree that pre-dates the existing houses and provides a link to previous land use. The tree can be seen from several vantage points along Saxon Way and Ricardo Road, but can also be glimpsed from Straight Road and Meadow Way. The Oak provides significant amenity for local residents.

Every effort is made to ensure the TPO map accurately shows the location of the tree. In this instance the ditch was used as a reference point to aid plotting. Although the ditch is not in existence in its former entirety, part of the ditch is still evident at the rear of 18 Ricardo Road. A further site visit has been undertaken, the result of which is a modification of the plan to slightly adjust the position of the circle indicating the position of the tree.

The Oak tree was inspected prior to the serving of the TPO. Information and photos which are date stamped have been sent to the resident to evidence this.

The parcel of land at the rear of 18 Ricardo Road is not owned by the surrounding property owners, but according to the Land Registry, by Taylor Woodrow. This parcel is apparently rented out. Residents' garden boundaries have changed over time which appears to have brought them closer to the Oak tree. This may result in pressure to detrimentally prune the tree to, for example, reduce any perceived overhang. Whether or not the land is owned and occupied by the same individual or others, does not affect the validity of the TPO. The TPO was correctly served on all parties who have an interest in the land.

The other tree near to the Oak, T1, is of reasonable amenity, but was not considered as significant as the Oak, as it could not be as easily viewed from the road network. The Council had received no reports of any potential harm or loss of this tree, so it was not apparent it was under threat. It was therefore not expedient to serve a TPO to protect this tree.

**RECOMMENDATION: that tree preservation order 039/2016 is confirmed with a modification to the map.**

- The circle on the map, denoting the tree, is amended to accurately reflect the tree's true position.