**PLANNING COMMITTEE – 18 August 2016**

**PART I - DELEGATED**

**\*. Consideration of Objections and Confirmation of Three Rivers (3 Shire Lane, Chorleywood) Tree Preservation Order 2016**

 (DCES)

1. **Summary**

1.1 To consider objections made in respect of the Three Rivers (3 Shire Lane, Chorleywood) Tree Preservation Order 2016. This report sets out the officer’s recommendations to confirm this Order without modification.

2. **Details**

2.1 The Three Rivers (3 Shire Lane, Chorleywood) Tree Preservation Order 2016 was made on 5 May 2016. This order was made following a site visit in relation to High Hedges Complaint WK/200867822. The two Beech trees protected by this order are growing within a hedge line which only partially qualifies as a ‘High Hedge’ in relation to Part 8 of the Anti-Social Behaviour Act 2003. Some of the documentation submitted in support of WK/200867822 indicated that the complainant wished to carry out extensive reduction works to the two trees as well as reducing the hedge in the neighbouring property. The two Beech trees are visible from public footpath 41 which runs between Shire Lane and Blacketts Wood Drive. They are also visible from the garage blocks serving Stag Court, Swan Court and New Parade and from the gardens of Grenville Court.

 An objection letter was received on 3 June 2016. Copies of the letter and enclosures have been circulated to Members of Planning Committee. Most of the letter focused on the High Hedges complaint and is not strictly relevant to consideration of the confirmation of TPO859.

 Section 2.2 contains a brief summary of the points raised in the objection letter. These have been presented as separate sub paragraphs to aid their consideration.

Section 2.3 contains the Officer response to each of the sub paragraphs in Section 2.2.

2.2 **Officer Summary of Objections**

2.2.1 The two trees are growing within the hedge so they are part of the hedge and should be considered as such.

2.2.2 There is no ‘perceived threat’ to the two trees.

2.2.3 The shade cast by the trees reduces the value of the property and shades the vegetable garden. Sunlight into the living room has been almost eliminated. The large deck at the back of the house is in shade in the afternoon and evening. Most of the garden is in shade for most of the day.

2.2.4 Would like the Council to order that the two Beech trees are crown reduced to 7m and retained at that height.

2.3 **Officer Response to Objections**

2.3.1 The hedge which is the subject of WK/200867822 is mostly comprised of Hazel, Beech and Elder. Section 66 of the Anti-social Behaviour Act 2003 states that for the purposes of the legislation a high hedge "is formed wholly or predominantly by a line of two or more evergreens". A 20m section of the hedge is predominantly Holly so does qualify as a High Hedge. There is provision for a High Hedges Decision Notice to exclude trees which are growing within a hedge. The main purpose of this is to ensure that mature deciduous trees are treated as being separate to the hedge within which they are growing.

2.3.2 The objection letter asks for the two Beech trees to be reduced to 7m. This would involve cutting into large diameter limbs which is poor arboricultural practice and would lead to the decline of the trees. This could be considered a ‘perceived threat.’

2.3.3 The lower part of Shire Lane, Chorleywood is on a steep slope. The garden of No.2 Shire Lane is at a much lower level than No.3 Shire Lane. The level difference varies throughout the length of the boundary but is between 2.0m-3.0m. The shade cast on the garden of No.2 Shire Lane is due in part to this height difference between the two gardens. It is possible to apply to carry out works to trees protected by a TPO and this Council will always give fair consideration to applications made for works which meet recognised arboricultural best practice.

2.3.4 This Council has no powers with which it could order that the trees are reduced to 7m and maintained at that height.

3. **Options/Reasons for Recommendation**

3.1 There are two options available to the Committee:

 (a) Confirm the Order without modification.

(b) Not to confirm the Order. This would mean that the tree/s would not be provided statutory protection and could be removed or worked on without any further notification requirement.

4. **Policy/Budget Reference and Implications**

4.1 The recommendations in this report are within the Council’s agreed policy and budgets.

5. **Financial, Legal, Staffing, Environmental, Community Safety, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications**

5.1 None specific.

6. **Recommendation**

6.1 That the objection is noted but that the Three Rivers (3 Shire Lane, Chorleywood) Tree Preservation Order 2016 is confirmed without modification.

 Report prepared by: Terence Flynn, Landscape Officer

 **Background Papers**

* TPO859 file

