

**DARLINGTON BOROUGH COUNCIL**

**PLANNING COMMITTEE – 23 JANUARY 2019**

**OBJECTION TO TREE PRESERVATION ORDER NO 12 2018**  
**1 SUSSEX WAY DARLINGTON**

**1.0 Purpose of Report**

- 1.1 To advise members that three objections have been received in respect of Tree Preservation Order Number 12 2018. The objections relate to this order which covers one Semi mature Sycamore (Acer) growing on land to the side of 1 Sussex Way Darlington.

**2.0 Recommendation**

- 2.1 That members confirm the TPO without modification

**3.0 Background**

- 3.1 Tree Preservation Order No 12 2018 was made on 28 November 2018 on one Semi mature Sycamore Tree on land to the west of 1 Sussex Way Darlington.
- 3.2 This Tree Preservation Order was made as a result of the occupier of 1 Sussex Way Darlington purchasing the land and proposing to enclose it and change the use from open space to private garden. It was considered that the tree could be under threat of felling. Planning application 18/00905/FUL refers. New Orders are only placed on healthy trees that are regarded as having a significant degree of public amenity.
- 3.3 Three objections have been received from Mrs Sheila Samways, the owner and occupier of 1 Sussex Way Darlington, Mr Anthony Samsways, co-owner of 1 Sussex Way Darlington and Mrs Elizabeth Mitchell, co-owner of 1 Sussex Way in respect of the order being placed on the Semi mature Sycamore Tree in the side garden of their property. No other objections have been received.
- 3.4 T1 is a semi mature specimen in reasonable form and condition. The tree has a high amenity value as it is highly visible from several viewpoints.
- 3.5 The Tree Preservation Order was based on the following grounds:

*This Tree Preservation Order has been made as the tree included in the Order makes a valuable contribution to the amenity of the area. The tree appears to be healthy and in reasonable form and condition and is a highly visible feature in the area.*

*The TPO is appropriate in the general interests of public amenity and in accordance with the Town and Country Planning Act (1990), Town and Country (Trees) Regulations 1999 and the Office of the Deputy Prime Minister's guidance to fulfil a statutory duty.*

#### 4.0 Summary of Objector's Comments

- The land on which the tree stands is private land owned by the occupier (and named family members) and therefore so it the tree.
- Darlington Borough Council, in 2018, disowned the tree and the responsibility and costs to prune the overhanging branches of the tree.
- After consultation with DBC we received written letter that stated "Following a search of my records I can advise you that there are no preserved trees within the curtilage of the land, nor does the land lie within a conservation area. Therefore there is no need to obtain any consent to carry out works to trees within your own curtilage." This letter was dated 26<sup>th</sup> July 2018.
- What is the purpose of this TPO now being served?
- Why has this order been served when we have written confirmation that this address is not a conservation area.
- Who has expressed an interest in the tree? – The tree is on Private property.
- The land is registered by the owners with DBC – and is private land, why were the owners not contacted by DBC prior to the inspection on Private land?
- Who inspected the tree and what are their qualifications? There is no report supplied.
- There is no report on the safety to the public footpath or the root structure in relation to the buildings.
- How will DBC control the pruning and if it is under a TPO will DBC undertake the works at THEIR cost?
- Will DBC take responsibility of any damage that the tree is causing to local buildings?
- Will DBC take responsibility for the tree and the associated costs of regular pruning?
- Will DBC be liable for the dangerous leaf and branch fall into the private garden which it stands and any root damage to dwelling structural walls?
- How regular will be the future inspections and reports of the tree and will DBC undertake any works at their cost?
- The estate has approximately 10 trees – does DBC plan to put a TPO on all of them?
- The other trees on the estate have not been maintained by DBC and residents have taken works at their own cost to render them safe and not a nuisance.
- As the land and tree owner, and both co-owners of 1 Sussex Way, I cannot see any purpose or reason for there being a TPO on this particular tree.
- I approached DBC with all good faith and were supplied with a written letter of approval in July 2018 for any works. The tree will be taken care of as required and branch and root pruning etc. will be undertaken by professional services at the owners cost.

## **5.0 Conclusion**

The Semi mature Sycamore Tree, is in reasonable form and condition with co-dominate stems with a slight inclusion. There appears to be no reason why the tree cannot add to the amenity value of the wider community for many years to come as it matures which justifies its protection.

**Ian Williams**  
**Director of Economic Growth and Neighbourhood Services**