

Contact: Maxine Knagg
Telephone: (01524) 582384
Fax: (01524) 582323
E-mail: mknagg@lancaster.gov.uk
Website: www.lancaster.gov.uk

Mr and Mrs McDonnell
55 Thirlmere Road
Lancaster
Lancashire
LA1 3LL

Regeneration & Planning Service
Development Management
PO Box 4
Town Hall
Lancaster
LA1 1QR

Date: 26th September 2017

Dear Mr & Mrs McDonnell,

Re: Tree Preservation Order no.622 (2017) – 57, Thirlmere Road, Lancaster, LA1 3LL

Further to your letter of objection to the above tree preservation order (TPO), dated 25th August 2017.

You have raised a number of issues within your correspondence that relate directly to your own property. I will address each point as they arise within your letter.

Firstly, may I confirm the cherry tree established within your neighbour's property is currently protected by TPO no.622 (2017) and not TPO no.621 (2017).

You have stated that branches from the tree subject of the above TPO overhang the boundary fence between you and your neighbour's property and that branches are growing very close to the structures of your main dwelling. You have also expressed concerns about the future stability of branches from the tree. Trees are dynamic living organisms that respond to changes in their environment. A tree preservation order does not prevent trees from being regularly inspected and reasonable and appropriate maintenance work from being undertaken. However, please note written authorisation must first be obtained from the local authority prior to undertaking works, with the exception of removing dead wood which does not require prior approval. Anyone that has responsibility for the management and maintenance of a tree (s) is advised to have them regularly inspected by a competent person and any recommendations for tree work undertaken subject to the required written approval from the local authority. Further information and tree works application forms are available online at www.lancaster.gov.uk.

You have provided a number of photographs showing disturbed flag stones and paving within your rear garden area. Please note that a TPO serves to protect all above and below ground structures of an affected tree. If you were to undertake work within your

Appendix 6

garden area that included disturbance of the existing ground levels, measures would have to be agreed in writing with the local authority on how the tree roots can be protected prior to undertaking any such work. Of course locating any new structure at a point as far from the tree as possible, would serve to reduce any potential conflict with the tree in erecting that structure and ongoing future maintenance works.

A TPO does not obstruct or prevent development, subject to the required approval of suitable tree protection measures, in compliance to BS 5837 (2012) Trees in relation to design, demolition and construction. Where roots are considered to be disturbing existing structures, it may be possible to consider limited root pruning. However, the involvement of roots from the tree in question would have to be demonstrated in order to satisfactorily rule out other causes for the disturbance.

Lancaster City Council would be happy to consider any future applications for tree works in relation to T1, cherry, subject of TPO no.622 (2017). You may wish to include any supporting information with regard to any future application for works to T1. This may include evidence of involvement of roots from T1, if limited root pruning is to be proposed.

In English law no-one person has a right to a view, whether the maintenance, or re-instatement of an existing view or creation of a new view. Inevitably, trees can change and alter existing views as they grow and mature, in time they too form part of the existing view.

Lancaster City Council like a great many local authorities across the country use a Tree Evaluation Method for Tree Preservation Orders (TEMPO), to demonstrate an objective approach to the assessment of trees in relation to their suitability to be protected with a tree preservation order. The TEMPO system is a tool to show the process involved, it is not in itself a decision maker. A score of 11 is sufficiently high to warrant its protection with a tree preservation order. I have attached a copy of the original TEMPO record for your further information.

If you wish to maintain your objection to TPO no.622 (2017), affecting T1, cherry, please confirm this in writing by 10th October 2017. If you maintain your objection to the order a TPO Appeal Hearing will be arranged in due course.

Alternatively, if we do not hear from you in writing by 10th October 2017, we will assume you no longer wish to maintain your objection to the aforementioned TPO and the order will be confirmed without modification.

Yours sincerely,

Maxine Knagg

**Maxine Knagg BSc (Hons) Arboriculture
Tree Protection Officer
Regeneration Service
Development Management
Lancaster City Council**