

Report to: East Area Planning Committee

Oxford City Council - Rolfe Place (No.1) Tree Preservation Order 2011

Report of: Planning Control and Conservation Manager	WARDS AFFECTED: Headington Hill And Northway Ward
Report Author: Chris Leyland	

SUMMARY AND RECOMMENDATIONS

- (1)** This report concerns a Red Oak tree in the Headington Hill conservation area, which has been made the subject of a Tree Preservation Order. The Order has been made in response to a Section 211 (Conservation Area)- a six-week notification of intention to fell the tree.
- (2)** This report considers the contribution that the tree makes to public visual amenity and the appearance and character of the Headington Hill Conservation Area. This is balanced against the arguments made in an objection against the Order.
- (3)** This report recommends the Committee to confirm, The Oxford City Council – Rolfe Place (No.1) TPO 2011 without modification.

Representations Received:

One representation has been received from the owners of the tree, in objection to the Order.

Relevant Site History:

The Council received a Section 211 notification (Conservation Area Trees notice, Ref: 11/02124/CAT) on, 12.08.2011, of intention to fell a red oak at 9 Rolfe Place in the Headington Hill Conservation Area. The Council has a six-week period within which to make an assessment of such intended tree works before they may be carried out. The Tree Officer visited the site and noted that the tree is a mature specimen, which appears to be in good overall condition.

The Oxford City Council- Rolfe Place (No.1)- Tree Preservation Order- 2011 was made on 15th of September 2011. The Order applies Section 201 of the Town and Country Planning Act, taking immediate provisional effect for a period of six months. This provisional cover will lapse on 15/03/2012. The East Area Committee now need to decide if the Order should be confirmed; thereby making it permanent. The Committee could instead decide not to confirm the Order in which case the tree owner could remove the tree at any time. The Council would not be able to require

any replacement planting in this event.

Objection:

Two objections to the TPO have been received. One from a neighbour and another from the tree owner. The grounds for the objections can be summarised as,

- The tree is said to be diseased and dangerous.
- The tree is a subsidence risk to the adjacent buildings.
- The TPO is a bureaucratic impediment to tree management.

Officers Assessment:

Amenity Issues

The tree, which is the subject of the Order and this report, is a Red Oak (*Quercus rubra*), a deciduous American oak standing in the side garden of 9 Rolfe Place located in the Headington Hill conservation area (Appendix 1- TPO plan). The tree is approximately 20m tall and has a crown-spread of around 10m; it is typical in its crown form and condition, for its age and species.

A Visual Tree Assessment (VTA) made by the Tree Officer, noted that there were two visible deadwood snags in the upper crown (one with evidence of woodpecker activity). However, this is not an untypical characteristic of the species in maturity and is distinct from evidence of any more general die-back in the canopy, which there was no evidence of. No other defects were observed.

The tree's crown is visible as part of the general tree cover of the vicinity from the northern end of Rolfe Place and as a more individually prominent feature from the eastern end of Harberton Mead. The tree is exotic in its North American origin, however this fact is not uncharacteristic of the mixed tree cover of the conservation area generally, which includes many Victorian introductions.

The tree constitutes part of the green backcloth to the city provided by the bosky character of Headington Hill in views from the west. The Council's current character description of the Headington Hill conservation area, in describing the rationale for its original designation in 1977, makes reference to the retention of trees as important to its public enjoyment.

Furthermore the 'Character Assessment of Oxford in its Landscape Setting' (Land Use Consultants, March 2002) commissioned jointly by the Countryside Agency and Oxford City Council, describes Headington Hill area as being '*distinctive for its topography, open spaces, parkland and mature trees*' and notes the importance of tree cover as a back-drop to the historic city centre.

The Objections

No technical evidence has been provided by either of the objectors, which supports the contention that the tree is diseased, dangerous, or is involved in any vegetation related subsidence damage to any structure (also unspecified).

The tree shows no visible indications of any disorder or disease infection; the tree owner makes reference to 'oak tree die-back' affecting US red oaks (there are various diseases affecting north American species of oaks and European oaks in the UK, however none of these are either present in central England or effect this particular species of oak.

There is no evidence or indication that any branches other than the few which have died over time have broken off. Any danger that these branches may represent can be mitigated by being removed; this could be done without the need to make an application under the TPO.

Under the provisions of the TPO an application to do works to, or fell, the tree could be made at any time; determination of such applications are made on the basis of the merits of the case and the strength of any technical evidence provided; a free right of appeal exists against any Council's refusal, which may be made to the Planning Inspectorate (PI); such cases are undertaken by arboriculturalists appointed by the PI.

Summary and Conclusion:

The tree, which is the subject of the TPO and this report, is in good condition and is appropriate for its location. It is characteristic of the conservation area and it makes a significant contribution to visual amenity in public views, such that its removal would cause material harm to the character and appearance of the conservation area.

The Tree Officer advises that insufficient technical information has been provided justify a decision not to confirm the TPO on the grounds of objection stated. Removal of the tree on unsubstantiated grounds is not consistent with good arboricultural practice and would harm the character and appearance of the conservation area.

Recommendation:

This report recommends the Committee to confirm, The Oxford City Council – Rolfe Place (No.1) TPO 2011 without modification.

THIS REPORT HAS BEEN SEEN AND APPROVED BY THE PLANNING BUSINESS MANAGER

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a decision to make and confirm the Tree Preservation Order. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Background Papers: None

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