

## **Appendix C: Extract from the Objection letter**

Thank you for your letter date 29th July regarding TPO 444 and whilst we appreciate the comments, we wish to formally respond with our logic for wanting to remove the Tree in question (T3). It is also worth noting that we feel there is a great deal of disingenuous behaviour in the Councils actions given the TPO came immediately after our Planning Application was live and based on an inaccurate, biased and subjective report by a Council representative who visited site before our application. Oak trees (*Quercus Robur*) are widely considered to be one of the best trees for biodiversity and we appreciate that there are not many in Ranmoor, however there is another within 50m of the tree on our property which of a similar age, is more suitably located away from the boundaries so we consider the risk to the biodiversity in this instance in extremely low. It is also worth noting at this stage the Tree is does not produce acorns so its biodiversity isn't as high as it could be. We accept that Oak trees are good for biodiversity, but also realise they are considered unsuitable for a small suburban garden as the risk of damage to home and property is high both from the perspective of root distribution, branch loss or indeed full fall of the tree. Our garden is approximately 10m x 10m so completely unsuitable for this type of tree. Considering the current placement of the tree, an Oak trees average growth rate in terms of girth which will typically increase by 2.5cm to 5cm per year, it is reasonable to assume that the tree in question will breach the boundaries retaining wall within 5 to 10 years. The boundary wall which backs onto Graham Road is approximately 1.8m high and constructed out of stone blocks with stone coping. This Oak tree has a root system on only 3 sides due to its placement and proximity close to the boundary wall and as an oak tree typically has as shallow root system depth of approximately 45cm deep this further increases risk of the tree falling and causing significant damage. The tree currently has a lean of over 25 degrees towards the East and with Sheffield having a prevailing wind from the West, any high wind would put significant pressure on the tree and the risk associated with this tree falling should be considered as extremely high. In the event of a storm with winds in excess of 60 miles per hour the risk factor increase again. It is also worth noting the lean is towards the East and as the predominant wind direction for Sheffield is from the West, this increases the risk factor again of the root system failing and the tree falling. Should the tree fall, it will block Gladstone Road & Graham Road due to its size which would cause significant disruption and cost to the council and surrounding homeowners, including ourselves. This disruption will only increase if the TPO is granted and the planning application declined as if the tree is not removed to mitigate the above risks these risks will become unmanageable for both ourselves as homeowners and Sheffield City Council. For the Council not to agree to our responsible and proper request to remove the tree and replace it with more suitable trees now that the above risks have been clearly highlighted, we would consider Sheffield City Council to be irresponsible. There would be very little disturbance to the biodiversity offered by this tree due its age, the replanting we will undertake and its close proximity to another tree of the same species. Enforcing the TPO and refusing

our planning application would be a sign of improper management of the above risk and as such we would have no alternative but to put the council on notice of possible future litigation due to its inaction. In summary, the decision really comes down to aesthetics within the area and the question should be "will removal of this tree have significant visual impact on the area". With the more appropriate replanting we are proposing and the other trees in close proximity to the one we would like to remove, we put it to you that it will not therefore should the TPO remain in place and the planning application declined, the risks stated above will continue to increase to point where they become significant issues attached to significant cost.

### **Response to letter dated 29th July 2021 regarding TPO 444 - LS/RC/95105**

The Oak tree in question (T3) has been protected by a TPO primarily due to the high level of visual amenity that it provides to the surrounding areas, and the amenity value that it will continue to provide for some time into the future. Oak trees are relatively uncommon in the Ranmoor area, and therefore the protection of any suitable Oak trees should be a priority. As such the similar adjacent Oak tree to the south has also been protected under the same TPO. The decision to protect these trees has been made regardless of any planning applications submitted before or after the notice was received by the council to remove T3.

The tree in question is quite large for its location in a small residential garden. This is likely to be the reason for the tree to have been regularly pruned in the past, to maintain a crown size that is more suitable. While its proximity to the dwelling is closer than would be ideal, in this instance the dwelling itself is relatively new and is certainly younger than the tree. It must be assumed, therefore, that the planning application was granted taking the location of the tree into account, and that the footings were built to an adequate standard so that damage from roots is unlikely.

The tree is growing in close proximity to the top of a 2m tall retaining, and it is accepted that this restricted location is likely to reduce the ultimate lifespan of the tree. This has been taken into account when assessing the suitability of the tree for protection. However, the retaining wall in itself does not necessarily increase the current likelihood of tree failure. The tree has always grown in proximity to the retaining wall and will be very likely to have developed a rooting system that provides it the stability it requires within the soil volume available to it. While the growth rates stated may be the average for Oak trees in an unrestricted environment, this tree will be growing at a slower rate due to its location. Trees are living, reactive structures that are constantly adapting to the forces that are exerted upon them, specifically so that they do not grow into a size or shape that makes them prone to failure.

There are no obvious signs of damage to the retaining wall close to the tree, so it must be assumed that the wall is not destabilising the tree, and that the wall itself is structurally sound.

Provided that the tree has always been leaning at a similar angle the lean does not suggest any structural weakness. The tree will have developed a root system that provides adequate anchorage and support for its weight, based on the stresses that have been exerted upon it from wind and weather in the past. Therefore if the predominant wind direction remains the same, the tree will have grown in a manner to withstand it.

The protection of a tree by a TPO does not preclude works from being carried out to it. It is advisable for the owners of large trees to have them regularly inspected by a suitably qualified professional, particularly where they are close to dwellings and public roads. If the results of such a survey of this Oak tree recommends works to be carried out, these will be considered for approval by the council.

I hope this addresses some of the concerns highlighted by the applicant but let me know if there is more that is needed or if anything needs changing.

Thanks,

Dave.

**Dave Farmer** Tree Officer

Sheffield City Council - City Growth Services

Urban & Environmental Design Team

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