



## SHEFFIELD CITY COUNCIL

### Planning & Highways Committee Report

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**Report of:** Head of Planning

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**Date:** 14<sup>th</sup> February 2023

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**Subject:** Tree Preservation Order No. 461  
3 Westbourne Road, Sheffield, S10 2QQ

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**Author of Report:** Vanessa Lyons, Community Tree Officer (Planning).

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**Summary:** To seek confirmation of Tree Preservation Order No. 461

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**Reasons for Recommendation**

To protect a tree of visual amenity value to the locality

**Recommendation**

Tree Preservation Order No. 461 should be confirmed unmodified.

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**Background Papers:**

- A) Tree Preservation Order No. 461 and map attached.
- B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached
- C) Images of the tree
- D) Appraisal of the Broomhill Conservation Area

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**Category of Report:** OPEN

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## CITY GROWTH SERVICE

### REPORT TO PLANNING & HIGHWAYS COMMITTEE

14<sup>th</sup> November 2023

3 Westbourne Road, Sheffield, S10 2QQ

#### TREE PRESERVATION ORDER NO. 461

##### 1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.461

##### 2.0 BACKGROUND

- 2.1 Tree Preservation Order No.461 ('the Order') was made on 13<sup>th</sup> October 2022 to protect a lime tree which stands within the rear garden of 3 Westbourne Road. A copy of the Order, with its accompanying map, is attached as Appendix A.
- 2.2 T1 (as described in the Order) is positioned to the east of 3 Westbourne Road, in a disused portion of garden. The tree stands directly adjacent to a retaining wall which separates the garden of 3 Westbourne Road from 461 Glossop Road, and the upper canopy of the tree overhangs this address. The tree is partially visible from the vantage point of Glossop Road and visible to houses which surround the tree, namely those on Westbourne Road and Melbourne Avenue. Images of the tree can be seen at Appendix C. The tree is located within the Broomhill Conservation Area, so is already protected to a limited extent by Section 211 of the Town and Country Planning Act 1990.
- 2.3 The tree was the subject of a section 211 notice (reference 22/03158/TCA) received on 25 August 2022. The notice was submitted by a tree surgeon, acting as the agent for the owner of the tree, and stated the intention to remove the tree following complaints from the owner of 461 Glossop Road that the tree was "too large and oppressive" - the tree was therefore deemed to be at risk of being removed.
- 2.4 In response to the section 211 notice, the tree was inspected on the 27<sup>th</sup> of September 2022, with a view to determining whether the removal of the tree was appropriate. The tree was found to be a large diameter specimen, in good health, with no visible outward defects barring a torn-out limb to the south of the tree. While the tree does overhang the property at 461 Glossop Road, it does so at height, and does not touch the fabric of the building, nor obstruct access to the garden.
- 2.5 The tree was assessed on 28<sup>th</sup> September 2022 using a Tree Evaluation Method for Preservation Orders (TEMPO) assessment. The tree scored 15 points producing a clear recommendation for protection. A summary of the TEMPO can be found in Appendix B. As the tree is visually prominent and contributes to the character of the conservation area, its retention was

assessed as being desirable. It was therefore deemed expedient in the interest of amenity to make the tree subject to a Tree Preservation Order. The Order was subsequently made on 13<sup>th</sup> October 2022.

2.6 On 21<sup>st</sup> October 2022 the tree was subject to an application (reference 22/03863/TPO) for the Council's consent to carry out works to the now protected tree. The application sought to pollard or remove all the canopy from the tree. This application was refused on the grounds that the level of pruning was considered excessive with regards to the reasons put forward in support of it (to alleviate shade) and that the proposed work, going beyond recommendations for canopy reductions as stated within British Standards guidelines, would be detrimental the health and amenity of the tree.

2.7 Objections.

No duly made objections have been received.

### 3.0 VISUAL AMENITY ASSESSMENT

**Visibility:** The tree has reasonable public visibility, standing in the eastern most portion of the garden at 3 Westbourne Road, where the tree can be seen from surrounding properties on Westbourne Road, Glossop Road and Melbourne Avenue. The tree is partially visible from the public vantage point of Glossop Road. Images of the tree can be found at Appendix C.

**Condition:** The tree is a large diameter specimen which, judging from the appearance of its canopy has previously undergone heavy pruning, but since re-grown a large, predominantly upright canopy. The stem of the tree leans towards the retaining wall to its north, but rights itself higher up, and it is likely that this growth pattern is a result of the tree growing away from the shade created by an adjacent horse chestnut to the south of the tree. The stem of the tree is ivy covered, which prevented a visual inspection of the upper stem and main branch unions. Barring a torn-out limb in the southern portion of the canopy, the tree had no visible, outward defects at the time of inspection, and appeared of good health and vitality.

**Longevity:** A local resident remarked that the tree was small when she moved to the area 40 years ago, indicating the tree has possibly reached maturity within that time. As a species noted for its longevity, reaching ages of between 200 to 300 years when growing in suitable conditions, the tree likely has decades of life ahead of it, particularly considering that the portion of garden in which it sits is disused, meaning the tree has adequate space to grow, unimpeded by intervention. Although the tree has been assessed on TEMPO as having a 20-to-40-year life span, this is a very conservative estimate and it likely has a retention span exceeding this.

**Contribution to the conservation area:** Local authorities must pay attention to the desirability of preserving or enhancing the appearance of the conservation area. In an appraisal of the Broomhill conservation area, included in Appendix D, trees are noted as being a vital part of the conservation area's identity,

enhancing the setting of the buildings, softening the suburban landscape and giving the conservation area a distinctive sylvan character.

Expediency: The tree is subject to a section 211 notice signalling the intention of the homeowner to remove the tree.

#### 4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 There are no equal opportunities implications.

#### 5.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

5.1 There are no environmental and property implications based on the information provided.

5.2 Protection of the trees detailed in Tree Preservation Order No.461 will benefit the visual amenity of the local environment.

#### 6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

#### 7.0 LEGAL IMPLICATIONS

7.1 A local authority may make a Tree Preservation Order (TPO) where it appears that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area (Section 198, Town and Country Planning Act 1990).

7.2 A TPO may prohibit the cutting, topping, lopping or uprooting of the trees which are the subject of the Order. It may also prohibit the wilful damage or destruction of those trees. Any person who contravenes a TPO shall be guilty of an offence and liable to receive a fine of up to £20,000.

7.3 The local authority may choose to confirm a TPO it has made. If an Order is confirmed, it will continue to have legal effect until such point as it is revoked. If an Order is not confirmed, it will expire and cease to have effect 6 months after it was originally made.

7.4 A local authority may only confirm an Order after considering any representations made in respect of that order. No objections have been received in respect of the Order.

#### 8.0 RECOMMENDATION

8.1 Recommend Provisional Tree Preservation Order No.461 be confirmed.

Michael Johnson, Head of Planning,

3<sup>rd</sup> February 2023

Appendix A. Tree Preservation Order No.461 and map

**Tree Preservation Order**  
**Town and Country Planning Act 1990**  
**The Tree Preservation Order No 461 (2022)**  
**3 Westbourne Road, Sheffield, S10 2QQ**

The Sheffield City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

**Citation**

1. This Order may be cited as Tree Preservation Order No 461 (2022) – 3 Westbourne Road, Sheffield, S10 2QQ.

**Interpretation**

2. (1) In this Order "the authority" means the Sheffield City Council.  
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**


3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.  
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—  
(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or  
(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,  
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.


**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated 13<sup>TH</sup> OCTOBER 2022

EXECUTED AS A DEED )  
By Sheffield City Council )  
whose common seal was )  
hereunto affixed in the presence of )

  
David Sellars  
DUTY AUTHORISED SIGNATORY



**SCHEDULE**

**Specification of trees**

**Trees specified individually**

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Common lime ( <i>Tilia x europaea</i> )	SK 33427 86719

**Trees specified by reference to an area**

(within a dotted red line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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**Groups of trees**

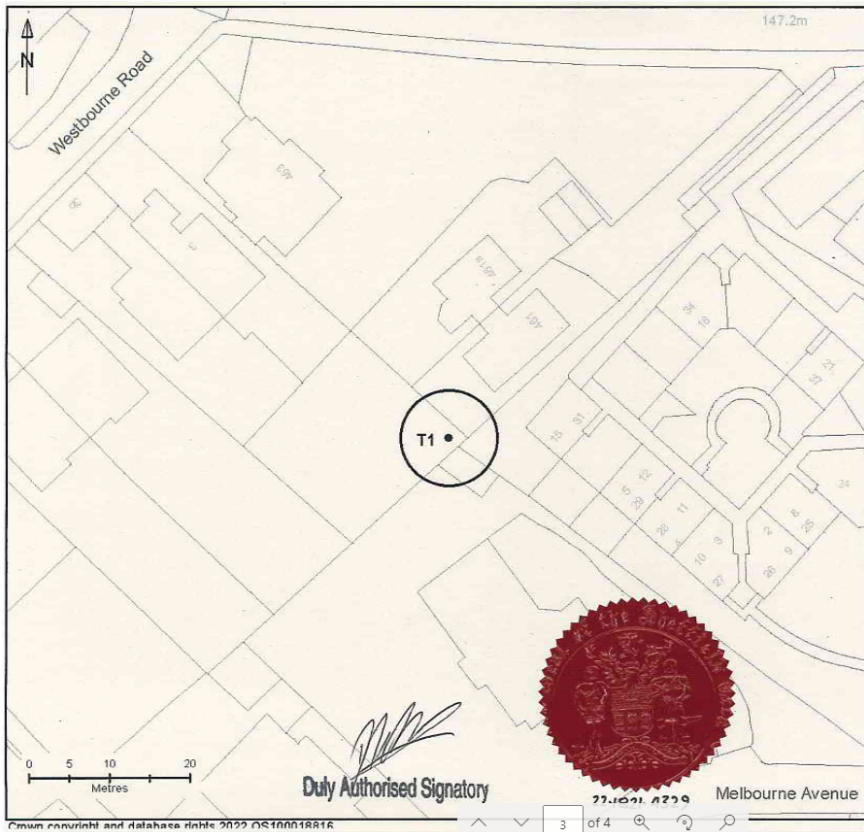
(within a solid red line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
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**Woodlands**

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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Sheffield City Council Parks & Countryside Service		
<b>TREE PRESERVATION ORDER</b> <b>No. 461</b>		
Drawing No. <b>A4/808/461</b>		
Site address <b>3 Westbourne Road          Sheffield          S10 2QQ</b>		
Scale: <b>1:500 @ A4</b>		
Drawn by MB	Date: 30/09/2022	
Trees specified individually (circled in black on the plan)		
T1: Common lime ( <i>Tilia x europaea</i> )		
Trees specified by reference to an area – None		
Trees specified by reference to a group – None		
Trees specified by reference to a woodland – None		
SK 33427 86719		
Measurements shown approximately		

## Appendix B. Tree Evaluation Method for Preservation Orders (TEMPO) assessment

### TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

#### SURVEY DATA SHEET & DECISION GUIDE

Date: 28.09.22	Surveyor: Vanessa Lyons
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<b>Tree details</b> TPO Ref 461 Owner (if known): Mr Downing	Tree/Group T1 Location: 3 Westbourne Road, S10 2QQ	Species: Tilia x europaea- Common lime
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#### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

##### Part 1: Amenity assessment

##### a) Condition & suitability for TPO

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

\* Relates to existing context and is intended to apply to severe irremediable defects only

##### b) Retention span (in years) & suitability for TPO

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

##### c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- |  |                 |
|--|-----------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
|--|-----------------|

##### Score & Notes 4.

Previously pruned, torn-out branch to south when viewed from 461 Glossop Road. Ivy precluded inspection of main union. Slight lean to the lower trunk which rights at a higher level, and asymmetric crown, both due to location next to a horse chestnut. Good vitality.

##### Score & Notes

2. A local resident remarked that the tree was small when she moved to the area 40 years ago, indicating the tree has possibly reached maturity within that time and, as a long-lived species growing in suitable ground, likely has several decades of life ahead of it.

##### Score & Notes

3. Limited view from Glossop Road. Tree overlooked by numerous private residences and businesses



- 4) Large trees, or medium trees clearly visible to the public                      Suitable
- 3) Medium trees, or large trees with limited view only                              Suitable
- 2) Young, small, or medium/large trees visible only with difficulty              Barely suitable
- 1) Trees not visible to the public, regardless of size                                  Probably unsuitable

**d) Other factors**

*Trees must have accrued 7 or more points (with no zero score) to qualify*

<b>Score &amp; Notes</b>  <b>1</b>
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- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

**Part 2: Expediency assessment**

*Trees must have accrued 10 or more points to qualify*

<b>Score &amp; Notes</b>  <b>5</b>
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- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

**Part 3: Decision guide**

- Any 0                      Do not apply TPO
- 1-6                        TPO indefensible
- 7-11                      Does not merit TPO
- 12-15                    TPO defensible
- 16+                        Definitely merits TPO

<b>Add Scores for Total:</b>  <b>15</b>
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<b>Decision:</b>  TPO defensible
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Appendix C. Images of the tree



Images of the tree, which is shown here behind 461 Glossop Road. Pictures taken from the entrance of the drive where it connects with Glossop Road, and from halfway along the drive leading to the property.



View of the tree from the entrance to West Mount, Glossop Road

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