

Protected Trees in the London Borough of Harrow

Frequently Asked Questions

The Benefits of Trees

Trees play an important role in the environment. They:

- provide screening and contrast to buildings.
- provide visual emphasis to vehicle and pedestrian routes.
- help to delineate site boundaries.
- help to reduce noise and atmospheric pollution.
- provide a valuable habitat for a wide range of wildlife.
- can increase property values.

For more information on the benefits of trees visit: [Arboricultural Association - Benefits of Trees](#)

Further guidance and information in downloadable format, can be found here: [Arboricultural Association - Arboricultural Resources \(trees.org.uk\)](#)

Listed below are the frequently asked questions on protected trees. For more detailed information on the legislation please visit [Tree Preservation Orders and trees in conservation areas - GOV.UK \(www.gov.uk\)](#)

Tree Preservation Orders (TPOs)

What is a TPO?

Councils (often also known as the Local Planning Authority) can use TPOs to protect trees as individuals, groups, areas or woodlands if these make a significant visual impact on their local surroundings.

A TPO prohibits the pruning and felling of protected trees without written Council approval. In this way, the Council can:

- (a) Agree the pruning treatment and amount thereby maintaining the tree's visual amenity.
- (b) Identify visually important trees within the Borough for retention.

In addition, all trees in Conservation Areas (if they are over 7.5cm diameter, measured at 1.5m high on the stem/trunk) are similarly protected whether or not they are covered by a TPO.

It is important to note that the tree protection applies to the below ground portions (i.e. roots) as well as the above ground portion of the tree (i.e. trunk and branches).

What type of tree can be covered by a TPO?

All types/species, including trees in hedgerows, may be protected. The TPO can cover anything from a single tree, to a group or woodland. Hedges, bushes or shrubs are exempt.

What might a local authority take into account when assessing amenity value?

When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account the following criteria:

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

How can I find out if a tree is covered by a TPO?

Information on TPOs can be found at www.harrow.gov.uk/tpo

How can I obtain a copy of a TPO?

If you wish to obtain a copy of a TPO please email Property.Enquiries@harrow.gov.uk, quoting the relevant TPO number, if known and/or address to which the TPO applies. Further information can be obtained by emailing rebecca.farrar@harrow.gov.uk

How can I get permission to carry out works on my TPO'd trees?

Placing a TPO on a tree does not mean that it cannot be pruned. However, from [limited exceptions](#), permission must be sought from the Council before such works can be carried out. Applications must be made using the generic [1App form](#) or via the [Planning Portal](#). It is important that the information on the form makes clear what the proposed work is and provides adequate information to support the case.

The Council has 8 weeks to process your application to do works to protected trees. A site visit may be carried out, to assess the appropriateness of the intended works and make a decision as to the granting of consent, with or without modifications. The decision letter will then be sent to you, or the appointed tree surgeon if they have submitted the application on your behalf.

By how much can I prune my tree?

A reputable tree surgeon will be able to advise on appropriate works. All tree works must be in accordance with current best practice - *The British Standard for pruning: "BS3998 Recommendations for Tree Work 2010"*.

A list of local tree surgeons can be downloaded from www.harrow.gov.uk/treesurgeons. Please note that this list is for your information and guidance only and must not be considered as a recommendation by Harrow Council.

You may also obtain information on additional companies via the Arboricultural Association (Tel: 01794 368717 / www.trees.org.uk) and their List of AA registered Arboricultural Contractors.

Standards for Tree Work

Professional Tree Surgeons use recognised pruning techniques (for example, crown reduction and thinning: see Appendix 1) to manage trees. Please avoid *any* tree surgeon that talks about **lopping** and **topping** trees. These pruning 'treatments' are not recognised by the tree care profession, they involve excessive 'pruning' and they can **seriously harm** trees



Figure 1 (top left). The tree has been disfigured after lopping and topping. Although it may be said that the tree appears 'neat & tidy', main branches have been removed creating large cuts that could very easily be infected with fungus/bacteria. Also all the leaves have been removed. Leaves are a tree's 'food factory' so their removal will have serious health consequences for the affected tree.

Figure 2 (bottom left). The lopped and topped tree is now in a state of biological stress and has produced a dense mass of 'emergency shoots' to try and re-grow its canopy. This is often mistaken for increased vigour but in fact the tree is reacting due to acute stress. It may survive for a few more years but due to increasing stress and fungal/bacterial infection, the tree will very likely decline and die.

My insurance company has said that the trees near my property should be pruned or felled – what should I do?

If your trees are protected, you must apply for the works being requested, with supporting information, and the application will be assessed on its own merits. Letters from your insurance company do not remove the need to obtain written permission from Harrow Council to carry out works to or fell protected trees.

What can I do if my TPO'd tree is causing a nuisance?

The duty of care, or responsibility, for dealing with nuisance rests with the tree owner of the land on which the tree is growing.

Dropping of leaves or fruit (natural processes which are outside anyone's control) would not normally be regarded as a legal nuisance, and trees will not generally be pruned for these reasons. The same applies to issues such as shading of light (there is no legal right to light in English law), blocking a view and/or bird droppings – these are not normally classed as *legal nuisances*.

The protected tree is dropping leaves / needles / cones / sap. Can it be pruned?

Pruning is an unnatural process which comes with a degree of risk and as such should not be undertaken without it being absolutely necessary. Pruning wounds can expose a tree to a large number of different diseases that can seriously affect a tree's health, safety and survival, with older trees being more susceptible than younger ones.

In law it is reasonable to expect a tree to drop leaves, sap, etc. as such occurrences are part of a tree's natural physiological processes and only to be expected.

I won't be able to sell my house now a TPO has been put on the tree in my garden!

The planning authority cannot take any responsibility for the saleability of a private property. The financial effects of making of TPO on a tree within a certain property cannot be properly or quantifiably assessed. A potential purchaser is just as likely to favour having trees on their land as not.

In fact some studies have estimated that a property's value can actually increase by between 7% and 20% by having trees nearby.

The protected tree is blocking light into my garden / house. Can it be pruned/ removed?

Whilst the Council is sympathetic with the light concerns of residents near to trees, in law there is no general right to light (other than that associated with High Hedge complaints). If a tree has been assessed as worthy of protection its value to the environment is considerable and as such any complaints relating to light must be weighed against this wider landscape importance.

Minor remedial tree works such as crown thinning may temporarily relieve the situation, but this depends on a tree's ability to cope with, and its species' response to, tree work. The responsive effect of crown thinning or pruning on some tree species (such as Lime trees) is to grow back quicker with larger leaves and a more dense crown

I'm worried about roots from a protected tree getting under the house and damaging foundations, what should I do?

If you think that tree roots are affecting your property and there is actual damage to your property (ie cracking) you should first contact your buildings insurance company, who can carry out a site investigation. As a starting point for any claim, live tree roots from the implicated tree must be found below affected house foundations. Crack and level monitoring (minimum six months) is also essential in order to show that the movement is cyclical (eg seasonal, shrink / swell) A tree cannot be implicated simply because it is growing close to a building.

If the branches from a protected tree are hanging over my property can I cut them back?

No. A TPO placed on a tree requires that written consent to prune over hanging branches must be obtained from the Council: the common law right to cut back to one's boundary line cannot be applied where the tree is subject to protection. Likewise, if you live in a Conservation Area, you should give the Council six weeks notice of proposed works (this can also be done using the 1App form or via the planning portal).

14. Does Harrow Council become responsible for looking after trees once they are TPO'd?

No. A TPO does not mean that the council now owns the tree nor does it mean that they are responsible for the cost of its maintenance. The owner remains responsible for the tree.

What happens if I carry out, or allow someone to carry out, work on a protected tree without written Council permission?

If a protected tree is pruned, felled or deliberately damaged, the owner and the tree surgeon commissioned to do the work could be fined, in court, up to £20,000.

What if my application to carry out work on a protected tree is refused or I object to the conditions imposed by the Council?

You can appeal to the Planning Inspectorate (PINS) in writing within 28 days of receiving the decision or after the 8 weeks period has lapsed. Appeals are normally made in writing followed by a site visit by an inspector from the Planning Inspectorate. For more information visit <https://www.gov.uk/appeal-decision-about-tree-order>

Trees in Conservation Areas

What is a Conservation Area (CA)?

A CA is an area of special architectural or historical interest where it is desirable to preserve or enhance the special character of that area. This includes the contribution made by trees. Any tree over 7.5cm diameter, measured at 1.5m high on the stem/trunk, is automatically protected under the CA designation.

How can I carry out tree works in a Conservation Area?

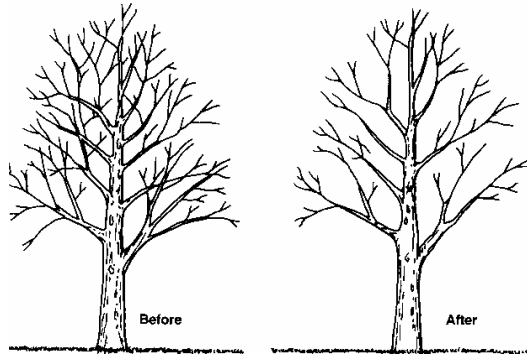
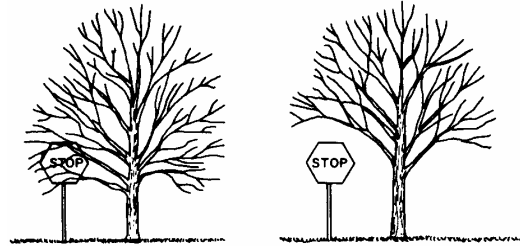
Anyone proposing to cut down or prune a tree in a CA is required to give the Council prior written notice detailing the proposed tree works. See 1APP form on Harrow Councils' website: www.harrow.gov.uk/1app

If you have not heard from the Council after six weeks, the specified work you proposed can be carried out. Please note: only the tree work specified in your letter to the Council may be carried out. Excessive pruning or undisclosed felling may result in a substantial fine.

Tree Pruning

When deciding how your tree should be pruned, it is useful to know the following terms and what they achieve:

Crown Lifting: Removal of low branches back to the main trunk or parts of branches to allow access, views or daylight beneath the tree's crown. Please note that the removal of many low branches from around the trunk may lead to a column of decay forming within the tree.



Crown Thinning: Selective removal of branches or parts of branches, evenly throughout the crown, by up to 30%. This allows more light to filter through the tree and may reduce its wind resistance. This treatment does not markedly alter the tree's shape, crown size or appearance.

Crown Cleaning. Involves the removal of dead, diseased, broken and/or rubbing branches within the crown. This pruning treatment is similar to Crown Thinning.

Crown Reduction: Shortening of branches to a suitable growth point (i.e. branchlet) to reduce both the height and spread of the tree's crown by up to 30%. This treatment allows more light to pass over and around the tree.

The Forestry Authority Research Division advise that Crown Reduction may cause branches to die back in many trees, notably beech, birch, cherry, conifers and horse chestnut.

Deadwooding: Removal of dead branches. When removing these branches, cuts should not be made into living wood or bark, as this may injure the tree.

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Removal of ivy

Ivy can add important wildlife value to trees in woods and rural gardens. However, in urban gardens, ivy within tree canopies can increase the shading effect of trees. Moreover, it can hide any structural defects that trees may develop making visual tree inspections more difficult. To remove it, the ivy can be cut above and below to leave a gap between the stems or carefully removed by hand using secateurs taking care not to damage the tree bark.

Trees and Biodiversity - Bats

Today there are fewer bats in the UK than even just a few years ago. Now all British bats and their roost sites – frequently trees - are protected by law. It is illegal to harm or disturb bats, or deliberately alter their roost sites – call the Bat Conservation Trust Helpline (0845 1300 228) or visit www.bats.org.uk Additionally, with certain exceptions, all wild birds and their nests are protected.

Decaying Wood

Standing deadwood (including tree trunks: monoliths) and fallen/stacked timber contribute to one of our most important habitats for biodiversity. This valuable resource supports a wide range of flora and fauna such as small mammals, fungi, lichens, hoverflies, beetles, birds and bats. Decaying wood in the UK is home to almost 1,800 invertebrate species*.

Large logs (10-50cm diameter) of hardwood (e.g. beech, sycamore or ash), with bark still attached, sunken about 60cm into the ground, in partially shaded areas can provide a valuable habitat for Stag Beetles: a threatened species in Britain & mainland Europe.

Visit The UK Habitat Action Plan for Lowland wood pasture and parkland on:
www.ukbap.org.uk/UKPlans.aspx?ID=5

* “Decaying Wood – managing a valuable wildlife habitat” (2005). Leaflet produced in partnership with the London Borough of Richmond, The Royal Parks, Richmond Biodiversity Group, Life and Sun.

Appendix 4 - Activities that may Damage or Destroy Trees

Where these occur near or under trees they include:

- Lighting fires.
- Digging trenches.
- Mechanical soil rotavation.
- Installing paved areas.
- Storing fuel oils and noxious chemicals.
- Raising or lowering soil levels.
- Storing soil or compost against the tree trunk.

Many of the above affect tree roots. Please remember that a tree's root system is typically concentrated within the uppermost 600mm of the soil and that it is vulnerable to damage.