

## TREES IN YOUR GARDEN Fact Sheet

### Inspection

It has become evident that many of the forest-type trees in parsonage gardens are maturing. There have been several occasions where falling trees have caused damage to property and fortunately have not, so far, resulted in personal injury. Forest like trees are inspected by a suitably qualified professional as part of the quinquennial inspection. However the occupier is requested to report to the Diocesan Surveyor any concerns.

### The Law, Tree Preservation Orders and Conservation Areas

There have been many law cases concerning trees and, as far as occupiers are concerned, these can be divided into four principal areas:

- Over-hanging Trees
- Damage by Tree Roots
- Dangerous Trees
- Wilful Damage or Neglect

### Over-hanging Trees

If the branches of a tree grow over the boundary between two properties, the owner of the adjoining land may cut back them back to the line of the boundary. However, he cannot enter the property on which the tree stands without first giving notice to the owner. The branches removed remain the property of the owner of the tree, as does the fruit that may be growing on the branches over-hanging another property.

Should a branch fall from the tree and damage property belonging to an adjoining owner then there may be grounds for a claim. Similarly, if a tree over-hanging a highway causes damage to a passing vehicle then the owner of the tree may be responsible for putting right the damage. *This also applies to hedges which over-grow a pavement or public footpath.*

If there are mature trees and they are overhanging public highways, presenting a risk to the building, or have become storm-damaged please advise the Property Department

### Damage by Tree Roots

Trees affect the condition of properties and their roots reach out underground as far as the branches do. The trees whose roots cause the most damage to drain runs, sewers and foundations are poplars or possibly willows, but elm and ash can also give trouble. You should view with suspicion any of these within 35 yards (30 m) of buildings. Large shrubs, as well as trees, can cause difficulties if planted against walls.

An adjoining owner is entitled to sever the roots at any point on his premises and can take action against the owner of the tree through the Courts.

## **Dangerous Trees**

A tree may be potentially dangerous for several reasons. It may be a poisonous tree; be partly or wholly decayed; be of a species prone to drop its branches or it may be of such a size and shape that it may be unsafe under the circumstances in which it is growing.

The most common poisonous trees and shrubs are: yew, laburnum, sycamore, rhododendron, box and privet. The foliage (or clippings) from these should not be accessible to cattle, sheep or horses/ponies/donkeys that may be grazing on adjoining properties. On the subject of clippings, **grass clippings must not be given to or be accessible by horses/ponies etc.** It can be fatal for them if they eat them.

## **Wilful damage or neglect**

Care must be taken by occupants not to create heaps of compost, garden debris and lawn cuttings and allow them to rot underneath the canopies of existing trees. Such material can lead to the introduction of infection into the adjacent tree. This also applies to the burning of bonfires in close proximity of these same canopies of existing trees. If the tree dies as a result and it has a **Tree Preservation Order** upon it, the Council may regard this as 'wilful neglect' and is tantamount to an illegal fell. This could then be the subject of a considerable fine.

Please do not drive any nails into the trunks of trees. In fifty years' time or sooner, that tree will be felled and the presence of any old nails in the trunk makes it valueless. No timber merchant will risk damaging expensive saw equipment.

Do not allow animals to gnaw at the bark of trees as once this has happened all around the trunk the tree will die. It is through the bark that the tree passes all the nutrients to its canopy. Again this can be regarded as 'wilful neglect'.

The same will apply if the bark is damaged completely when you use a strimmer to cut the grass around a tree trunk. There should be bare circles of earth around trees to allow the air and rain to get to the roots direct. If the grass is allowed to be mown constantly right up to the tree, then air and water cannot get easily through the matted grass.

## **What you should do**

Annually you should inspect all the trees on your land, in particular, those which could fall onto the highway, neighbour's property or onto buildings on your own land. Do not forget to have a look around after high winds and gales.

You are not expected to be an expert in these matters, but merely to be observant and do what a prudent and reasonable owner should do. Look at each tree in turn and look for any indicators which may require professional advice. You may find this a very pleasant way to spend a warm spring afternoon.

Some characteristics of a potentially dangerous tree are:-

- an unbalanced crown
- a trunk which is growing noticeably out of the vertical
- dead or dying branches or limbs

- fructifications or fungi growing on some part of it
- holes in the trunk or limbs, particularly at the base of the tree
- conspicuous patches of dead bark
- untreated tears resulting from gale damage to major limbs
- stains on the bark due to water continually running down it
- roots likely to have been damaged or weakened by excavations e.g. buildings or roadworks
- fungi growing from or close to the roots
- an elm tree

Even before the advent of Dutch Elm disease in this country, it would appear that the collapse of trees of this species has been the cause of more law suits than any other (except root damage from Poplars) and, in consequence, these should be given most attention.

Some indications of Elm disease include yellowing of the foliage on individual branches in mid-summer and the turning down of the end of young twigs to form 'shepherds' crooks'. Affected trees will die eventually.