

Tree Sub Committee: 2 November 2010
Application No: TPO 435

Item Number:

Town/Parish Council: Kenilworth

Case Officer: Gary Fisher
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18 Ferndale Drive, Kenilworth, CV8 2PF
Provisional Tree Preservation Order: TPO 435 – 18 Ferndale Drive, Kenilworth

1.0 Introduction

- 1.1 A Provisional Tree Preservation Order has been made in respect of the tree the subject of this report. The TPO is made as part of a review of the trees in the area.
- 1.2 That Order (TPO 435) initially took effect, on a provisional basis on 19 May 2010 and remains in force for a period of six months or until the Order is confirmed by the Council, whichever first occurs.
- 1.3 In order to assist the Council in deciding whether the Order should be confirmed, local residents and other interested parties in the immediate vicinity were invited to make representations in relation to the provisional Order. The following responses have been received:-

2.0 Summary of Representations

- 2.1 Judith Lee, of 18 Ferndale Drive objects to the making of the Order for the following reasons:-
 - The tree has been cared for by her family for over 30 years and they would like to be able to continue to do so without having to seek consent every time they wish to undertake works to it.
 - The tree is a large specimen in a small space and requires regular pruning in order to prevent the loss of light particularly to 17 Ferndale Drive; the overhanging of the roof and damage to the garden of that property.
 - The tree roots have damaged the drive of 18 Ferndale Drive and should the TPO be confirmed, they will need permission to remove the roots.
 - There was a recent water leak in a pipe leading to 17 Ferndale Drive which the water company believed to have been caused by the roots of this tree.

3.0 Key Issues

- 3.1 The tree in question is prominently positioned to the front of 17 and 18 Ferndale Drive at the end of this cul-de-sac. It is a semi-mature silver birch which is approximately 8-10 metres in height with an estimated life expectancy of 60 or more years.
- 3.2 The tree by reason of its stature and prominent street edge position is highly visible, making a significant contribution to the character and appearance of

the surrounding area.

- 3.3 The Tree Preservation Order has been made in order to ensure that it is protected, regardless of ownership and to ensure that any works that are undertaken balance the consideration of the reason for those works with the amenity value of the tree.
- 3.4 There is no known evidence of any substantive damage to the immediately adjacent residential properties or to any nearby water pipes arising from the presence of the tree. Whilst the tree is positioned in proximity to 17 and 18 Ferndale Drive and does cause some shading, particularly to one of the properties at certain times of the day, it is not anticipated that regular works are likely to be required in order to maintain it.

4.0 Assessment

- 4.1 The effect of making the Tree Preservation Order is to bring future proposals for work to the tree within the control of the District Council. Prior to the making of the provisional TPO, the tree did not benefit from any protection.
- 4.2 The confirmation of the Tree Preservation Order so as to provide such protection would not prevent the submission and consideration of further applications for works to the tree.
- 4.3 If the Tree Preservation Order is not confirmed, further works, including the felling of the tree could be undertaken without the need for consent.
- 4.4 On balance, I do not consider that the issues raised by way of objection to the making of this TPO are sufficient to outweigh the amenity benefits arising from the presence of the tree.

5.0 Recommendation

- 5.1 That the Tree Preservation Order 435 be **confirmed** to protect the silver birch tree, the subject of this report.
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