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24 May 2011

WARWICK DISTRICT COUNCIL  
DEVELOPMENT SERVICES  
PO Box 2178  
Riverside House  
Milverton Hill  
Royal Leamington Spa  
CV32 5QH

For the attention of Mr Gary Fisher

**OBJECTION**

**To the(Provisional)Tree Preservation Order No 450 of 25/03/2011 ('PTO')**  
**relating to Trees**

**T1 Horse Chestnut, T2 Horse Chestnut and T3 Lime ('the Trees') showing on the sketch (Doc No 1) attached to Homewood's /OCA UK LTD's Application for tree works of 20.01.2011 ('the Application') on the unadopted part of Woodcote Road Adjoining 'Homewood', 40 Kenilworth Road**

We refer to:

1. The TPO (Doc.no 2) communicated to us, as adjoining owners, by recorded delivery letter on 09.04.2011.
2. The site meeting on 11.04.2011 between ourselves, Mr G. Fisher and Mr C Hastie of WDC (our e-mail of 11.04.11 refers).
3. The documents, plans and photographs listed on the Appendix and referred to herein, as supporting information.

As adjoining owners (please see Office Copy doc. No 3) very much affected by the current state of the Trees, we should be grateful if the Council, after considering our reasoned Objection, would decide:

1. Not to confirm the TPO and
2. Grant Homewood's Application or any other they subsequently submit or may have already submitted, as there is no intention or risk of 'cutting down or damaging the Trees' and the works are vital for our own and the public's safety and amenity.

The rationale for the TPO is that the Trees by reason of their size, height and shape can be clearly seen from the road and make a significant contribution to the character and amenity of the surrounding area'.

WDC PLANNING
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**The Trees if reduced as described in the Application would continue 'to be clearly seen from the road' and would then make a real and benign contribution to the surrounding area.**

**Reasons for our Objection:**

1. It is our experience that the Trees, far from contributing to the amenity of the surrounding area, constitute a serious risk to persons (pedestrians and drivers alike) and property (parked vehicles, fences, walls) and drains.
2. On 26<sup>th</sup> May 2008 after a storm, a huge branch of Tree T1 in the corner of Kenilworth Road and Woodcote Road broke off and fell to the ground blocking the entrance to the cul de sac. My neighbour Mr Jerry White of Killock Cottage had passed under that tree around 12.00 noon but on his return about 15 minutes later he was confronted with the broken branch. That branch could have hit him or could have caused an accident on Kenilworth Road. It is worth noting that the branch was not of dead wood, it was totally green and healthy looking (Docs. No 4 & 5). Where is the amenity here?
3. In the current windy weather we worry each time we pass by or need to take our car out of the garage. Frequently we need to remove dead branches from the middle of the cul de sac. They could hit people or vehicles or cause damage to fences, walls, roofs, bushes etc. Where is the amenity here?
4. The height and size of the Trees is frightening and excessive, far greater than of any other neighbouring tree (Doc. No 6). The branches of T1 (Doc. No7) extend menacingly west over the pavement towards Kenilworth Road, to the east beyond the middle of the cul de sac towards our side and look extremely heavy, tense and about to break. T1, T2, and T3 have a mixture of dead branches in their crowns that may be detached at any time as well as basal suckers (Docs Nos 8 & 9). Where is the amenity here?
5. Given that the Trees are on a Private Road which is not swept by WDC, they provide us with the difficult burden of keeping the cul de sac clean and the drains free from an excessive amount of refuge of pollen, petals, leaves, conkers and falling branches (Docs Nos 10 & 11). We try to keep the cul de sac in good appearance and the drains free from debris. It is prone to flooding and has flooded several times. Where is the amenity here?
6. The Trees have prolific basal sucker growth. It covers the drains (Doc. No 12), inhibits good visibility and adds to insecurity as it may be a hiding place to persons with criminal intent particularly as the cul de sac is not properly lit at night. Where is the amenity here?
7. Trees T1, T2, T3 are part of a number of trees as shown on the plan (with the same numbering as above)(Doc.No13) of the Arboricultural Survey & Development Report prepared in late 2009 for Earlplace Ltd, the developer of Homewood, by an independent specialist consultancy called Arboricultural & Woodland Consultancy Service ('A&WCS) (Doc. No 14).

We draw your attention to:

- (a) The measurements of height, stem diameter, crown spread, condition, observations and recommendations of A&WCS in support of our views expressed above.
  - (b) The fact that the recommendations of the report largely accord with the works described in the Application.
  - (c) The appended Photographs with individual comments.
8. We believe that WDC was put off by the fact that in the Application:

- (a) no Latin names were given to the Trees i.e. Horse Chestnut instead of Aesculus Hippocastanum, Lime instead of Tilia x Europea;
  - (b) The contractor did not give details of 'good arboricultural practice';
  - (c) It feared that 25% crown reduction was too much. A&WCS also recommended crown reduction but they did not specify how much on their report (after all they were addressing it to Earplace Ltd not to the Council). Given the extreme crown spread, 25% may be reasonable and not damaging to the tree.
  - (d) Regarding the crown thinning by 20% to free telephone lines it was put off by the fact that these only run through T3;
  - (e) Regarding the crown lifting by 6m it thought that this is only a necessity where double deckers or car transporters are passing. However, Homewood is serviced by huge and very high vehicles. Double deckers and car transporters may be brushed off on the side of Kenilworth Road.
  - (f) There were no problems regarding the removal of basal growth.
9. We find that the Application was wrong in its answers to question 8 (1): condition of the Trees i.e. if diseased or if you have fears that it might break or fall. The reply was No instead of Yes perhaps because it was written in haste or did not want the trouble to provide written arboricultural advice (as that of A&WCS) or other diagnostic information. Regarding 8(2) the Trees in their current state obstruct the drains. Again the reply was No instead of Yes.
  10. The Trees are in a Conservation Area, are on WDC's survey and any work on them requires WDC's permission. The TPO provides an additional layer of protection which is a charge on the property. It is not advisable nor necessary.
  11. **According to 3.2 of Guide to Law & Good Practice, it is inappropriate to make a TPO on a tree that is dangerous.**
  12. It may be a question of preference for 'the wild, untidy look' but this should not prevail over considerations of safety nor the wishes of those most affected. We append photographs of horse chestnuts from the John Innes Conservation Area in Merton/Wimbledon in London SW19 where the trees are manicured and provide real amenity to the public and adjoining owners, not risk and nuisance (Doc No 15).
  12. In summary what is necessary as a matter of urgency is to remove the dead wood, crown clean, reduce crown spread and weight, lift the crown to an acceptable height, clear the basal sucker growth to avoid the risk to persons, property and drains. It is a pity that the Application was not very erudite but **we should be obliged if the TPO was not confirmed and the Application was granted to avoid the risks inherent in the current condition of the Trees.**
  13. **The Trees will still be visible from the road and provide real amenity to the public and to those whose properties abut on to the cul de sac.**
  14. This Objection also serves as a Notice to WDC of the risks inherent in the trees and the turning down of the Application.
  15. There are five households affected and Homewood, the new Nursing Home. We all use the cul de sac as well as our visitors and we all wish to see the Trees reduced, tidy and safe.

## THE APPENDIX

1. Sketch showing the trees, the subject of the TPO
2. TPO
3. Office Copy
4. Photo of fallen branch from T1 on 26.05.2008
5. Photo of the scar from no 4
6. Photos of Trees comparing in size with surrounding trees
7. Photo of T1 extending over Kenilworth Road, beyond the middle line of the cul de sac and looking heavy and tense.
8. Photos of dead wood on T2
9. Photos of dead wood and basal sucker growth on T3
10. Photos of pollen and petals in the cul de sac
11. Photos of pollen and petals on our side and Kenilworth Road
12. Photos of sucker growth over drains
13. Plan of A&WCS
14. Extracts from A&WCS Arboricultural Survey & Development Report.
15. Photos from the John Innes Conservation Area SW19.

Yours faithfully



Dr G & Mrs M Delfas