

**Tree Sub Committee:** 9 February 2011  
**Application No:** TPO 443

**Item Number: 5**

**Town/Parish Council:** Barford

**Case Officer:** Gary Fisher  
01926 456520  
gary.fisher@warwickdc.gov.uk

Provisional Tree Preservation Order: TPO 443 – 24 Keytes Lane, Barford  
1 x Box Elder

---

## **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 following the receipt of a Conservation Area Notification proposing its felling when in addition no objection was raised to the proposed felling of 2 other trees in close proximity.
- 1.2 That Order (TPO 443) initially took effect, on a provisional basis on 29 September 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 Pauline Currie of 24 Keytes Lane objects to the making of the Order for the following reasons:-
  - The tree has outgrown its natural height and lost the variegated nature of its leaves which made it so attractive adding nothing to the attractiveness of the garden or surrounding area.
- 2.2 Kirsty Healey and Matthew Macfadyen of 22 Keytes Lane object to the making of the Order for the following reasons:-
  - The 3 houses in the cul de sac are bungalows whose main windows face north relying on low vegetation in front gardens to allow the sun in.
  - This is not a native tree and it has lost most of its variegation.
  - It is over 12 metres high and causes a lot of shade and leaf litter.
  - The surrounding area is well wooded including many larger trees and good specimens to the north side of the houses.
  - The tree is a small decorative shrub which has become grossly overgrown and is now out of scale and place.

### **3.0 Key Issues**

- 3.1 The tree in question is prominently positioned to the front of 22 and 24 Keytes Lane towards the end of this modern cul-de-sac within the Barford Conservation Area. It is a semi-mature box elder which is approximately 12 metres in height with an estimated life expectancy of 30 or more years.
- 3.2 The immediately surrounding area comprises predominantly built development within which a number of other trees are scattered. Numbers 22 and 24 Keytes Lane are bungalows which as a consequence of the land levels within the cul de sac are also set at a lower level than the tree.
- 3.3 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 built development within the Conservation Area.
- 3.4 The Tree Preservation Order has been made in order to ensure that it continues to be protected and to ensure that any works that are undertaken balance the amenity value of the tree with the consideration of the reason for those works.
- 3.5 The Conservation Area Notification which preceded this TPO proposed the felling of 3 trees within the front garden of 24 Keytes Lane. At that time, your Arboriculturist considered that in view of their close proximity it would be appropriate to retain one of the trees judged to provide the greatest amenity value. Therefore whilst no objection was raised to the felling of a cherry and a magnolia, notwithstanding any loss of leaf variegation, this provisional TPO was made in respect of the box elder.
- 3.6 The size and condition of the tree were key factors in the decision to retain it when it was not considered to be out of scale with its surroundings. Whilst that retention will result in some shading particularly to 22 and 24 Keytes Lane, the removal of 2 other adjacent trees is likely to have been of benefit in that respect.

### **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. The current protection afforded by the trees location within the Barford Conservation Area only enables the Council to prevent inappropriate proposals by making a Tree Preservation Order.
- 4.2 The confirmation of the Tree Preservation Order so as to provide for the continued protection of the tree would not prevent the submission and consideration of further applications for works to the tree. However, should the Tree Preservation Order not be confirmed, its proposed felling could be undertaken without the need for further consent.
- 4.3 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 443 be **confirmed** to protect the box elder tree, the subject of this report.
-