



Application No.: TPO 450
Town/Parish Council: Leamington Town Council
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Provisional Tree Preservation Order 450: Land adjacent to Homewood, 40 Kenilworth Road

1 INTRODUCTION

- 1.1 On 20 January 2011 the Council received a notification of intention to carry out works to three trees along the side of Homewood, 40 Kenilworth Road. The proposed works consisted of crown reduction by 25%, crown thinning of 20%, crown lifting to 6m and removal of basal growth.
- 1.2 The Council's arboriculturist considered this work to be excessive, generically specified with little reference to the trees themselves and to have the potential to harm the health of the trees. The Council therefore decided to control future works to the trees by making a Tree Preservation Order.
- 1.3 A provisional Tree Preservation Order (TPO) was made by the Council on 25 March 2011. The TPO was made in response to a notification of works to trees in a conservation area.
- 1.4 The Order came into effect provisionally on 25 March 2011 and remains in force for a period of six months. If the Council choose to confirm it, it will remain in force indefinitely.
- 1.5 The reason for making the Order, as given in the original notice of making the Order was:

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 of the surrounding area.
- 1.6 In order to assist the Council in deciding whether the Order should be confirmed those with an interest in land affected by the Order were invited to make representations in relation to the provisional Order. The following representations have been received.

2 SUMMARY OF REPRESENTATIONS

2.1 Objection – Dr G and Mrs M Delfas

- 2.1.1 Dr G and Mrs M Delfas, of Arcadia, 38 Kenilworth Road, have sent a lengthy letter of objection, which is included as an appendix to this report. The objection is summarised below:

- 2.1.2 The work originally notified would not stop the trees from being clearly seen from the road and that they would continue to make a real and benign contribution to the surrounding area
- 2.1.3 In their experience the trees constitute a serious risk to persons, property and drains as evidenced by:
- A huge branch fell from T1 after a storm on 26 May 2008, blocking the entrance to the Cul-de-Sac. The branch could have hit Dr and Mrs Delfas's neighbour
 - In windy weather they worry each time they pass or have to take their car out of the garage.
 - They frequently have to remove dead branches from the road
 - The height and size of the trees is frightening and excessive. The branches extend menacingly west over the pavement towards Kenilworth Road and to the east beyond the middle of the cul-de-sac towards their property
 - The trees have a mixture of dead branches in their crown that could be detached at any time, as well as basal suckers.
- 2.1.4 The private road is not swept by WDC and therefore the leaves, petals and pollen which fall from the tree provide a heavy burden
- 2.1.5 Prolific sucker growth provides a potential hiding place for criminals and inhibits visibility
- 2.1.6 The trees are already protected by virtue of being in a Conservation Area
- 2.1.7 All residents of the cul-de-sac wish to see the trees reduced.

3 **KEY ISSUES**

- 3.1 The key issues to be addressed in deciding whether or not to confirm the Tree Preservation Order are whether the trees are of sufficient amenity importance to justify a Tree Preservation Order, and whether the public benefit afforded by the trees outweighs any private inconvenience experienced by individuals because of the trees.

4 **ASSESSMENT**

- 4.1 The three trees, two horse chestnuts and one lime, are prominent, mature specimens which are widely visible. They stand in a short section of unadopted highway that forms the end of Woodcote Road and are clearly and widely seen from Woodcote Road and Kenilworth Road, as well as from the nearby quasi-public cricket ground.
- 4.2 Many of the issues identified by Dr and Mrs Delfas can be addressed through a more informed, specific application to carry out work. In particular, any real safety concerns can be addressed by clearly identifying safety issues and making an application tailored to dealing with them.
- 4.3 Similarly, the problems caused by prolific sucker growth are easily addressed. An application to remove basal suckers is unlikely to be resisted.
- 4.4 Dead wood can be removed from the crown of trees without the need to apply for permission from the Council.
- 4.5 The issue of the need to sweep the road from time to time is less easy to address through a future application, but would also not be addressed by the

work proposed in the original notification. Sweeping up of leaves is a minor part of routine property maintenance and this inconvenience is not considered significant against the amenity that the trees add to the area.

- 4.6 The effect of the Tree Preservation Order is to bring future work to the trees under the Council's control. It does not prevent all future maintenance and an application to carry out further works can be made at any time.
- 4.7 If the TPO is not confirmed, the work originally notified can be carried out. In the opinion of the Council's arboriculturist this work was poorly specified and excessive and would adversely affect both the health and amenity value of the three trees.
- 4.8 The trees are of considerable amenity importance. Most of the inconvenience caused by them can be mitigated through carefully considered work. On balance, the continued protection of these important trees is justified.

5 **RECOMMENDATION**

- 5.1 It is recommended that members authorise officers to confirm Tree Preservation Order 450