

Planning Committee: 31 March 2004
Application No: TPO 257

Principal Item Number: 10

Town/Parish Council Barford

Case Officer Mike Duffett
01926 456520 planning_appeals@warwickdc.gov.uk

Land at 3 Bridge Street, Barford
Provisional Tree Preservation Order: 1 Oak tree (TPO257).

SUMMARY OF REPRESENTATIONS

The Tree Preservation Order took effect, on a provisional basis, on 23 December 2003 and continues in force on this basis for a further six months or until the Order is confirmed by the Council whichever first occurs. Before the Council can decide whether the Order should be confirmed, the people living in the vicinity of the Order have a right to make representations.

No.1 Hemmings Mill – OBJECT because due to the proximity of the tree to the property (6 metres) there is considered to be a threat of tree roots causing damage to the house foundations. The tree canopy restricts light into the property, and this problem is increasing each year as the tree grows.

No.3 Bridge Street (location of tree) – OBJECT because it is unnecessary since the site is within the Barford Conservation Area and prior consultation has always been carried out before carrying out any trimming. If the tree is allowed to grow unchecked then in the future may create root problems to no.1 Hemmings Mill. The TPO is an over reaction to undertake minor works to keep the tree in its good condition.

No.5 Bridge Street – NO OBJECTION IN PRINCIPLE but concern that if in the future the tree is left unchecked then its growth would restrict further the amount of light and may cause damage to the foundations and drainage systems of the neighbouring properties.

KEY ISSUES

The site of the young oak tree is some distance from the rear elevation of no.3 Bridge Street but close to the rear elevation of no.1 Hemmings Mill. The tree is visible from both Mill Lane, and Hemmings Mill itself in addition to the gardens of the neighbouring properties. The whole of the immediate area is within the Barford Conservation Area.

Assessment

The oak tree is in a good healthy condition and being of an early mature age has considerable life expectancy. By reason of its size and location the tree makes a positive contribution to the amenity of this part of the Barford Conservation Area.

The representations mainly acknowledge this, but also express concern with regard to alleged future problems with the tree if left “unchecked”. As set out in the provisional TPO the objective of placing such protection on the tree is “...to ensure that the tree is

retained and to control any proposed works to the tree.” This means that by way of prior applications the future management of the tree can take place in liaison with the Council’s Arboricultural Officer, and appropriate measures can be recommended at the appropriate time if there is in the future genuine concern/evidence that the tree is having an unreasonable adverse effect upon the neighbours amenity or the fabric of their properties.

The responsibility for the tree remains at all times with the land owner, whether or not the TPO is confirmed. The making of a TPO does not mean that the tree is necessarily left "unchecked". It means that the tree's contribution to the amenity of the area has been acknowledged by the Council and that there is a reasonable justification to have full control over proposed works to the tree in these circumstances. As the tree is in a Conservation Area it is accepted that a degree of control is already present, but a prior notification to carry out works to an "unprotected" tree in a Conservation Area cannot be refused. The only way is by making a provisional TPO, carrying out a notification procedure and evaluating the responses.

The representations made by those in the immediate vicinity of the tree are realistic because they acknowledge that in certain circumstances the presence of a significant tree in the vicinity of buildings can cause problems, although there appears to be some recognition that the tree does contribute to the amenity of the area. Taking into account the size and age of the tree, the lack of other significant trees in the locality and the setting of the tree it is considered that a confirmed TPO would ensure that the oak tree continues to make a positive amenity contribution whilst also enabling proper control over the nature and scale of any future works required to keep the tree "in check."

RECOMMENDATION

That TPO257 be confirmed, to ensure that the oak tree continues to make a positive contribution to the visual amenity of this part of the Barford Conservation Area and that any future works to the tree are able to be fully controlled.