

Planning Committee: 3 August 2005
Application No: TPO 287

Principal Item Number: 28

Town/Parish Council Kenilworth

Case Officer Sandip Sahota
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11 Park Hill & 141 Whitemoor Road, Kenilworth
Provisional Tree Preservation Order: 2 Weeping Willows (TPO287).

Summary of Representations

The Tree Preservation Order took effect, on a provisional basis, on 24 May 2005 and continues in force on this basis for a further six months or until the Order is confirmed by the Council, whichever occurs first. 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.11 Park Hill – OBJECT to TPO being placed on Tree T1 on the following grounds: tree has grown out of all proportion; at 82 years of age gardening is difficult; tree is so tall that autumn sun is blocked out.

No.13 Park Hill – OBJECT to TPO on the following grounds: believes it has been put on to please a group of people who are against development of the land (ref: planning application W05/0846 erection of 3 houses & one bungalow [refused]); young trees; Willows need a lot of care & maintenance.

Key Issues

There are only limited views of the trees from Whitemoor Road and Park Hill with the trees seen through gaps between the buildings and above the bungalow. However, there are at least 15 households which have good views of the trees from the rear of their properties and from within their rear gardens. There is an accepted view that views from sufficient private households constitutes amenity sufficient for a TPO.

Assessment

The Willow tree (T1) lies within the rear garden of 11 Park Hill and is a large mature tree with a well developed canopy and by reason of its height, size and shape makes a positive contribution to the amenity of this part of the residential area of Kenilworth.

The Willow tree (T2) lies within the rear garden of 141 Whitemoor Road and is a large mature tree with a well developed canopy and by reason of its height, size and shape also makes a positive contribution to the amenity of this residential part of Kenilworth.

Both trees are in good health and have a long remaining life expectancy.

Although visibility from public vantage points is limited, both trees are highly visible from the rear of a considerable number of properties on Whitemoor Road and Park Hill and contribute to the leafy character of the area. In the interests of protecting the visual amenity of this part of Kenilworth it is considered appropriate to ensure that the

trees are retained and to have control over works which may affect the future health and amenity value of the trees.

The representation received expresses concern with regard to the reasons for the TPO. This TPO has been placed solely on the grounds of amenity. Planning permission for application W05/0846 was refused on the 18th May 2005, prior to the TPO. In any case planning permission would override a TPO.

The representations received with respect to tree T1 are noted. 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. Taking into account the size, locality and setting of the tree it is considered that a confirmed TPO would ensure that the Weeping Willow 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." The age factor should be given limited weight as the house is currently being marketed for sale. The garden is west facing and therefore the impact on sun is minimal.

RECOMMENDATION

That TPO287 be confirmed, to ensure that the trees continue to make a positive contribution to the visual amenity of this part of Kenilworth and that any future works to the trees are able to be fully controlled.