

Planning Committee: 12 December 2007
Application No: TPO 358

Item Number:

Town/Parish Council Kenilworth

Case Officer Robert Toll
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3 Rawsley Drive, Kenilworth, CV8 2NX
Provisional Tree Preservation Order: TPO 358 – 1 individual tree
Objections with regard to all of the trees

(Refer to attached plan for specific trees)

The order was created as part of the on-going TPO review that is taking place in Kenilworth.

The Tree Preservation Order took effect, on a provisional basis, on 17 October 2007 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, residents living in the vicinity of the Order have a right to make representations.

SUMMARY OF REPRESENTATIONS

- **Mrs P Sankey, 3 Rawsley Drive, Kenilworth, CV8 2NX**

T1 – 3 Rawsley Drive, Kenilworth, CV8 2NX

- The tree was planted on my land after the building of houses on Knights Meadow, and was not part of a mature hedgerow
- It leans towards the road, and because of this I had been considering removing or reducing the size of it. The high winds of late make it more of a worry.
- The roots are lifting my driveway and making the slabs uneven. To redo the drive would only solve the problem for a year or so.
- In breezy weather there are lots of twigs which break off and cover the pathway.
- Several times a year I have to reach the lower branches to cut off the twigs so that pedestrians don't walk into them. I feel it would be unreasonable to be unexpected to ask permission for these necessary tasks.
- I think it is appalling that a young (approx 26 year old) tree on my land can have an order put on it. You didn't want the responsibility of caring for it, but make it difficult for me to do so.

I feel this could be looked on as a cheap way to landscape the area. There are however many trees near my house that are on council owned land, surely they are the ones that should have TPOs on them.

KEY ISSUES

T1 – 3 Rawnsley Drive, Kenilworth, CV8 2NX

- **The tree was planted on my land after the building of houses or Knights Meadow, and was not part of mature hedgerow**

The tree was assessed as part of the review to update the ageing TPOs in this area of Kenilworth and any tree potentially worthy of a TPO was taken into account. The Birch was considered to have a high enough amenity value to be protected. It is now considered given the threat of works to the tree to be expedient. At no point was the tree referred to as being part of a mature hedgerow..

- **It leans towards the road, and because of this I had been considering removing or reducing the size of it. The high winds of late make it more of a worry.**

The tree does indeed lean, but it is visibly stable and healthy. Just because a tree leans does not mean that it will fall over. If there are worries about the health of the tree then an arboriculturalist should be employed to do an assessment of the tree. Furthermore a tree that is dead, dying or dangerous should not be protected, however in this case as has been stated above the tree is visibly healthy.

- **The roots are lifting my driveway and making the slabs uneven. To redo the drive would only solve the problem for a year or so.**
- **In breezy weather there are lots of twigs which break off and cover the pathway.**

It is a natural fact that trees will shed twigs in inclement weather and it is part of general household maintenance to clean them up.

- **Several times a year I have to reach the lower branches to cut off the twigs so that pedestrians don't walk into them. I feel it would be unreasonable to be unexpected to ask permission for these necessary tasks.**

This task will need permission to be carried out. It is good practice to keep public footpaths clear. To make it easier so that permission does not have to be sought every time some lifting over the pathway is required, a rolling permission could be granted to allow this work to be carried out on a regular basis.

- **I think it is appalling that a young (approx 26 year old) tree on my land can have an order put on it. You didn't want the responsibility of caring for it, but make it difficult for me to do so.**

I feel this could be looked on as a cheap way to landscape the area. There are however many trees near my house that are on council owned land, surely they are the ones that should have TPOs on them.

A tree of any age can have a TPO put on it regardless of age, given that the circumstances are right to do so and comply with the Town and Country Planning Act 1990. This tree was considered to have a high enough amenity value and part of the review to be re-TPO'd.

The creation is not meant to make carrying out necessary maintenance work difficult. If the work is reasonable and necessary the problem of maintaining the tree is not overly difficult. Generally, District Council owned trees are not protected as they are considered to be under good arboricultural management. There are exceptions under certain circumstances however this is rare.

CONCLUSION

The Birch tree has a positive impact in the amenity of the area and is a conspicuous young tree in good health.

RECOMMENDATION

That the TPO be **confirmed** to protect T1, Birch – 3 Rawnsley Drive, Kenilworth, CV8 2NX
