

Planning Committee: 06 January 2004
Reference No: TPO 242

Principal Item Number: 8

Town/Parish Council: Warwick

Case Officer: Mike Duffett
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LAND ADJACENT 224 MYTON ROAD/MYTON LANE, WARWICK

Provisional Tree Preservation Order: 3 individual trees and woodland area (TPO242).

SUMMARY OF REPRESENTATIONS

The Tree Preservation Order took effect, on a provisional basis, on 11 July 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.

Myton Grange Lodge – SUPPORT because the woodland provides an attractive entrance to the residential estate and should remain unchanged, also shields road noise from Myton Road.

No.3 Beauchamp Gardens – SUPPORT because the small woodland supports wildlife and is one of the small pieces of green environment around Myton Road/Myton Lane still in existence. Great shame if it was to be destroyed.

No.224 Myton Road – OBJECT to woodland TPO but not to individual tree TPO. Woodland area is hoped to be acquired from the current owners WCC and to incorporate the land into private garden to enable a side extension and detached garage to be built. (Subject to planning permission and removal of certain trees) Professional tree survey has been carried out which identifies that the woodland area is in poor quality and that instead certain individual trees within woodland should be protected. If the TPO prevents the use of the area for residential related purposes, whilst keeping the majority of the mature trees and retaining some screening adjacent to Myton Lane then the land will remain with WCC to maintain.

RELEVANT HISTORY

In May 2003 a planning application was received for a two storey side extension to no.224 Myton road with a projecting double garage at the front. (W20030835) A significant part of the proposed extension was shown to encroach into the woodland area, and the plans indicated that a number of trees would require to be felled. In July 2003 an Arboriculture report into the condition of the trees likely to be affected by the proposal was submitted by the applicant. The planning application was withdrawn pending the outcome of the consideration of the TPO.

KEY ISSUES

The location of the trees

The site is adjacent to the junction of Myton Lane and Myton Road, immediately opposite the residential property known as Myton Grange Lodge. The individual trees are all between the footpath and Myton Lane itself and consist of a mature Copper Beech (T1), an established Yew (T2) and Lime (T3). The land behind the footpath consists of an attractive natural woodland area with a mix of different native trees and a range of heights of scrub vegetation. All of the trees are of significant size and height, clearly visible from Myton Road and elsewhere. The woodland has a depth which ranges from 8m to 12m, and the boundary between the woodland and the garden of no.224 Myton Road is defined by a 2m high timber fence for the majority of its length. There is no

access between no.224 and the woodland, whilst access into the wooded area from the Myton Lane frontage is unrestricted.

Assessment

The whole of the area covered by the provisional TPO makes a positive contribution to the amenity of the local area because the trees provide a very attractive and distinctive entrance into the Myton Lane residential estate and the Myton Hospice. In addition because of the age of some of the trees there are long range views of the canopies of the trees from not only Myton Road and Myton Lane, but other neighbouring residential roads. The two storey detached residential property of no.224 Myton Road is only partly visible from Myton Lane, because of the presence of the woodland and their existing high timber side boundary fence has only a very limited visual impact upon the character of the street scene.

No objection has been raised to the three individual trees being the subject of a TPO, all located in the verge area. All are of some individual merit and provide a mature setting to the area.

With regard to the “woodland” at the rear of the footpath it is considered that it is worthy of specific protection because of its role as a landscaped buffer between the Myton Road properties and Myton Lane. The Town & Country Planning Act 1990 does not define the term “woodland” but in the Secretary of States view trees which are planted or grow naturally within the woodland area after the TPO is made are also protected by the TPO. This is because the purpose of the TPO is to safeguard the woodland unit as a whole which depends on regeneration or new planting. The representations received from local residents (not the occupier of no.224 Myton Road) indicate that the woodland is considered to have some local importance as an amenity feature, and worthy of being retained in its present form.

The representations from no.224 Myton Road are understandable, given that in their opinion there is scope to extend their residential use whilst also maintaining the majority of the mature trees and providing some additional boundary planting by Myton Lane. However the public interest and amenity value of the area is as single narrow woodland, where the presence of scrub vegetation and natural regeneration makes an important contribution. This contribution would be threatened if only the tall individual trees were protected, as suggested. The Council's Arboricultural Officer by recommending a woodland TPO is also being consistent with the approach adopted back in 1993 for TPO173 which relates to the spinney at the rear of no.206 – no.224 Myton Road. There may be considered to be a need to ‘manage’ the woodland. The confirmation of this TPO would not conflict with this objective, but enable proper control over the nature and scale of the works which are intended to be carried out.

RECOMMENDATION

That TPO242 be confirmed in its present form, to ensure that the woodland area and the individual trees fronting Myton Lane continue to make a positive contribution to the visual amenity of the area.