

**Planning Committee:** 31 October 2007  
**Application No:** TPO 345

**Item Number:**

**Town/Parish Council** Kenilworth

**Case Officer** Robert Toll  
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**Park Close and Field Close, Kenilworth**  
Provisional Tree Preservation Order: TPO 345 – 4 Groups of trees  
Objections with regard to all of the trees

**(Refer to attached plan for specific trees)**

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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 23 August 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 Norma Griffiths, 15 Villiers Road, Kenilworth, CV8 2JB**

G2 2 Sycamores – 16 Park Close, Kenilworth, CV8 2JN

- The trees block sunlight from reaching the garden
- The trees are not suitable for a small garden
- No-one has visited her particular property to make an inspection of the trees

- **G Balakrishnan, 14 Field Close, Kenilworth, CV8 2JN**

G4 2 Limes – 16 Field Close, Kenilworth, CV8 2JN

- The trees are very tall and grow close to the house
- They represent a danger of falling down due to strong winds because instances of strong winds occur more frequently, therefore the trees need inspecting more frequently.
- The trees dense foliage affects the TV signal and should possibly be trimmed.

- **Mr B Fountaine, 13 Park Close, Kenilworth, CV8 2JL**

- **Mr S Kelway, 13 Villiers Road, Kenilworth, CV8 2JB**

- The Plan and schedule showing and describing the trees position is inaccurate.

## **KEY ISSUES**

G2 2 Sycamores - 16 Park Close, Kenilworth, CV8 2JN

- **The trees block sunlight from reaching the garden**

It is acknowledged that the Sycamores do block light into the rear garden of 15 Villiers Road. It is also noted that the houses to the rear of 15 Villiers Road would also block light to the garden as well. It also has to be considered that there is no right to light in English Law with regard to trees.

- **The trees are not suitable for a small garden**

The Sycamores are of a moderate to large size but after a site inspection of the trees it is considered that the trees are not overly large for their situation and are not detrimental to the surrounding areas.

- **No-one has visited her particular property to make an inspection of the trees**

A site visit was undertaken, however it was not undertaken in the specific garden of 15 Villiers Road. An assessment of the trees was undertaken to view their amenity and condition and it was considered that reasons for protecting the trees outweighed those for not protecting them.

G4 2 Limes – 16 Field Close, Kenilworth, CV8 2JN

- **The trees are very tall and grow close to the house**

The trees are indeed very tall which is a positive reason to protect them because they are conspicuous. The tree is closer to 14 Field Close than 16 Field Close and at present there is no evidence to show that the trees are having a detrimental effect on the surrounding structures.

- **They represent a danger of falling down due to strong winds because instances of strong winds occur more frequently, therefore the trees need inspecting more frequently.**

Every tree has an element of risk that it could fail in some way. After inspecting the trees as part of the TPO assessment procedure, it is considered that there is no visible threat at this time. To prune a tree on the assumption that something could happen would mean that every tree would need to either be felled or heavily pruned to eliminate all risk of failure. With regard to inspecting the trees on a more regular basis, this responsibility lies with the owner of the tree not the Council.

- **The trees dense foliage affects the TV signal and should possibly be trimmed.**

The majority of trees have dense foliage. To allow trimming because of this is not

something that would normally be a valid reason. The TPO will not stop applications for work being submitted. This also goes for the problems with the TV signal. It is possibly cost effective and practical to seek assistance from an aerial company or the TV supplier rather than heavily pruning a tree which could have a detrimental effect on the amenity of the area.

- **The Plan and schedule showing and describing the trees position is inaccurate.**

The plan and schedule are considered accurate enough to enforce the TPO. The government guidance states "*there is no requirement in the Regulations to describe the trees in the 1<sup>st</sup> schedule and plot them on the map with pinpoint accuracy*". Bearing this in mind, it is considered that the TPO is enforceable if the need should arise.

## **CONCLUSION**

All 4 groups are prominent and conspicuous in the area and are highly visible to the residents of this part of Kenilworth. There are no visible problems with the trees or evidence that they are having a detrimental effect on the surrounding properties.

## **RECOMMENDATION**

That the TPO be **confirmed** to protect the 4 groups of trees at Field Close and Park Close.

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