

<b>Planning Committee:</b>	24 January 2005	<b>Principal Item Number:</b> 9
<b>Application No:</b>	TPO 271	
<b>Town/Parish Council</b>	Rowington	
<b>Case Officer</b>	Sandip Sahota 01926 456522 planning_appeals@warwickdc.gov.uk	

**Oaktrees, The Cumsey, Pinley Green, Rowington**  
Provisional Tree Preservation Order: 4 Oak trees (TPO 271)

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## **SUMMARY OF REPRESENTATIONS**

The Tree Preservation Order took effect, on a provisional basis, on 1 October 2004 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.

Oaktrees, The Cumsey – OBJECT because due to the size and proximity of the trees to the property it is considered that there is a problem of visibility from the existing vehicular access to the property.

## **KEY ISSUES**

The site of the four mature oak trees is some distance away from the two nearest properties (Oaktrees and Ednam Cottage) within a highway hedgerow on The Cumsey. All four trees are visible from The Cumsey in addition to the gardens of the neighbouring properties. The whole of the immediate area is within a Green Belt and the Arden Special Landscape Area.

## **Assessment**

The Oak trees are all tall mature individual specimen trees located adjacent to the highway. All four of the trees make a significant positive contribution to the amenity of this part of the Arden Special Landscape Area because of their height, shape and size of canopy which all combine to enhance the attractiveness of this part of the rural area.

The representation expresses concern with the problem of visibility from the existing driveway at Oaktrees. A planning application to modify the existing driveway was refused in March 2004 (W04/0282) because the proposed visibility would be less than that currently available. A second application was then submitted for an alternative access at Oaktrees (W 04/1167) which would involve the creation of a new access drive through part of the adjacent field which is in the same ownership. This was refused in August 2004 due to the adverse impact that the proposed entrance upon the rural landscape and due to the degree of root loss which would be caused to the oak trees in implementing such a scheme. The layout plan of the new driveway shows it abuts two of the mature oaks and would potentially leave both trees unstable and would certainly prejudice their health.

The representation made on behalf of Oaktrees appears to recognise that the trees do contribute to the amenity of the area and that the objection to the TPO only stands until a meeting/negotiation for another vehicular access into the site (Oaktrees) has taken place and permission secured.

Taking into account the interests of protecting the visual amenity of this part of The Cumsey, and to ensure that all future proposals to carry out development in close proximity to some of the trees take proper account of the visual contribution to the character of the area made by the trees it is considered appropriate to ensure that each of the trees are protected so as to control any proposed work to the trees.

### **RECOMMENDATION**

That TPO 271 be confirmed, to ensure that the oak trees continue to make a significant positive contribution to the visual amenity of this part of The Cumsey, the rural area and the Arden Special Landscape Area and that any future works to the trees are able to be suitably controlled.

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