

Planning Committee: 10 July 2007
Application No: TPO 330

Item Number:

Town/Parish Council Kenilworth

Case Officer Robert Toll
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8 Worcester Road, Kenilworth, CV8 2AP
Provisional Tree Preservation Order: TPO 330 – Individual
Objections with regard to T1 - Oak

(Refer to attached plan for specific trees)

The Tree Preservation Order took effect, on a provisional basis, on 12 April 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

Mr W Bailes, 8 Worcester Road, Kenilworth, CV8 2AP– OBJECT on the grounds that:

T1 – Oak tree to the front of 8 Worcester Road, Kenilworth, CV8 2AP

- Bird droppings fall onto drive, the house roof and the public footpath
- It produces sticky honey dew two to three months of the year
- Needs to be assessed and trimmed to ensure damage is not being done to the house, to allow reasonable light into the house, light from the street lamp to reach neighbour's frontage and epicormic growth needs trimming up the trunk to keep the footpath clear.
- Needs to be trimmed so that it doesn't snag telephone wires
- Deadwood needs to be removed
- Why should the council say what can and can't be done to the tree and what is best for the house and Mr Bailes
- The tree is a nuisance and until now has been able to choose whether he should put up with the mess or not.
- Reduces the value of the property
- Preservation order is not justified due to its position
- Wants flexibility so that every time work is necessary he doesn't have to

contact a third party, “one that only has an administrative interest in the tree”

- Doesn't want to have to deal with people who have differing views on what is best for the tree
- Should be allowed to manage the tree as it belongs to him and he has been maintaining it for the last 20 years.

KEY ISSUES

T1 – Oak on the frontage of 8 Worcester Road, Kenilworth, CV8 2AP.

- **Bird droppings fall onto drive, the house roof and the public footpath**

It is not the trees fault if birds choose to roost in this particular tree. If there is a problem with birds, a decoy may be useful in deterring them from roosting, rather than pruning the tree.

- **It produces sticky honeydew two to three months of the year**

It is a common misconception that trees create the honeydew; it is caused by an aphid that feeds on the tree and secretes the honeydew. Because of this it is not considered necessary to prune a tree for this reason as all the foliage would have to be removed to prevent this which is not feasible. As Mr Bailes has stated, it happens two to three months a year and is seasonal and does not occur for another nine months of the year.

- **Needs to be assessed and trimmed to ensure damage is not being done to the house, to allow reasonable light into the house, light from the street lamp to reach neighbour's frontage and epicormic growth needs trimming up the trunk to keep the footpath clear.**

A Tree Preservation Order does not negate work being carried out to the tree. It simply adds a control measure to ensure that the correct work is carried out that will not harm and possibly benefit the tree. All decisions are made with this mind and a reasonable decision is made.

- **Needs to be trimmed so that it doesn't snag telephone wires**

Telephone wires are the concern of the relevant utility company who have statutory undertakers rights, which means they can prune branches back from around lines without permission, If Mr Bailes wishes to do this then he can apply and a decision will be given.

- **Deadwood needs to be removed**

Any deadwood in a tree can be removed without permission as with anything that is dead, dying or diseased. The council cannot refuse this if it is dead, however it is generally requested that some notification is given to keep the council informed.

- **Why should the council say what can and can't be done to the tree and what is best for the house and Mr Bailes. Should be allowed to manage the tree as it belongs to him and he has been maintaining it for the last**

20 years.

Local Planning Authorities have the power to make Tree Preservation Orders under the legislation in the Town and Country Planning Act 1990. The tree was deemed to be worthy of a TPO and as such has been protected. Although Mr Bailes has maintained the tree very well in some areas, there has been some questionable work carried out. Decisions on works to trees take into account all the factors and reasonable decisions are made based on what is best for the tree, the property and the owner.

- **The tree is a nuisance and until now has been able to choose whether he should put up with the mess or not.**

A mess around a tree is to do with general property maintenance and cleanliness. To stop all mess and debris, the tree would basically have to be removed which would be detrimental to the visual amenity of the area.

- **Reduces the value of the property**

The fact that the tree will devalue the property is speculation with regard to the housing market at the time. In a lot of cases a tree can add value to a property and can vary from property to property. It is understood that the tree has been growing here for about 150 years and would have been present when the property was purchased and would have been taken into account when the property was valued.

- **Preservation order is not justified due to its position**

The trees size, shape and character make this tree very visually attractive. It can be seen from above the properties, from at least two public highways and at least one public footpath. Also being a native species, it is a haven for wildlife with many mammals, birds and invertebrates living on the tree. With some of the questionable actions of maintenance over the years it is also expedient to protect the tree to keep the vigour and health.

- **Wants flexibility so that every time work is necessary he doesn't have to contact a third party, "one that only has an administrative interest in the tree"**

Some of the work that Mr Bailes has expressed an interest in doing is feasible and would be granted to be carried out such as removing the epicormic (suckering growth) up the trunk. The council does not just have an administrative duty to the tree. An expert opinion is used and a reasonable decision is made on all work that is requested permission to carry out.

- **Doesn't want to have to deal with people who has differing views on what is best for the tree**

As has been stated above, all decisions will be made with a professional and reasonable view, in line with legislation.

CONCLUSION

The Oak has a positive effect on the surrounding area. Its height and size allow it to be seen from surrounding homes and public highways and creates a natural backdrop to the straight edges of the houses. It is eye catching in Worcester Road and should be protected.

RECOMMENDATION

That the TPO 330 be **confirmed** to protect all the Oak.
