

TPO No: 371

Town/Parish Council: Kenilworth

Case Officer: Robert Toll  
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**21 Ferndale Drive, Kenilworth, CV8 2PF**  
Provisional Tree Preservation Order: TPO 371 - 1 Individual Cedar Tree

The TPO was created as part of the Tree Preservation Order Review taking place in Kenilworth. The Tree Preservation Order took effect, on a provisional basis, on 26 September 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.

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**SUMMARY OF REPRESENTATIONS**

**Mr Brian Knapp - 21 Ferndale Drive, Kenilworth, CV8 2PF. The main points of representation are summarised and responded to below**

**KEY ISSUES**

- **Reference made to the tree as a "young mature specimen" is not accurate.**

The reference to the tree being a "young mature specimen" is considered to be accurate. The tree is only just coming into maturity and although Mr Knapp has stated that the tree has been growing in this position for over 36 years. it can be considered to be a young mature specimen.

- **The property owner has been refused permission to top the tree**

Mr Knapp was refused permission to "reduce height and reshape" the Cedar tree to the front of his property on 29th July 1996. An appeal was subsequently made to the Secretary of State which was dismissed on the 8th September 1997. Since this point there is no record of another application to carry out works to the tree. If the property owner considers there are grounds to carry out works to the tree then an application should be submitted.

- **Is concerned the tree is growing without supervision**

The tree appears to be growing in line with other Cedar trees and there does not seem to be any abnormal or eccentric growth. Concurrently, the tree looks to be growing well and has good vigour.

- **Problems with falling needles and cones**

This problem is dealt with as part of general house maintenance. Needles, leaves, cones, nuts, fruits etc. are considered to be expected when living near trees. Not

putting a TPO on a tree or giving consent to do works to a tree because it drops needles, leaves etc. would mean that potentially very few trees could be protected from works.

- **Roots may be causing damage to foundations of adjacent properties**

Trees do cause structural damage to properties because of their roots. However, it needs to be shown that the tree is causing actual damage. If there is evidence of structural damage, an application to carry out works to trees needs to be submitted with evidence in the form of a structural engineers report showing any damage and crack monitoring over the seasons.

- **With increasing cases of extreme weather conditions, the tree could be blown over causing injury, structural damage or even death**

Any tree can fail because of inclement weather. In some cases the tree may be perfectly healthy and still fail. Topping, heavily reducing or removal of trees because they have a potential to fail would be likely to lead to unwarranted loss of tree cover and amenity. A prudent course of action would be to keep the tree monitored by a tree specialist to ensure that the tree is healthy.

- **By prohibiting a request to perform maintenance to the tree, the District Council is taking over the responsibility**

By prohibiting the request to carry out works to the tree, the Council does not take ownership or responsibility for the tree. If the Council do not deem the work to the tree to be necessary then permission can be refused (and the decision appealed).

- **Is anxious to see the tree is properly maintained.**

A TPO does not prevent necessary works from being undertaken on the tree. It means that permission needs to be sought before any works can go ahead.

## **CONCLUSION**

It is the view of your officers that the objections submitted do not highlight any significant problem with confirming this TPO. Any planned maintenance as long as it is necessary would be likely to receive permission and so the correct maintenance of the tree can be carried out.

## **RECOMMENDATION**

That the TPO be **confirmed**.

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