

**Planning Committee:** 22 July 2014

**Item Number:** 10

**Tree Preservation Order No:** 485

**Town/Parish Council:** Sherbourne

**Case Officer:** Robert Penlington  
01926 456212 robert.penlington@warwickdc.gov.uk

Provisional Tree Preservation Order 485: Sherbourne House, Vicarage Lane,  
Sherbourne, Warwick.

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This Tree Preservation Order is being presented to Committee because an objection has been received to it being confirmed.

### **RECOMMENDATION**

Planning Committee are recommended to authorise officers to confirm Tree Preservation Order 485 without modification.

### **BACKGROUND**

In April 2014, following the receipt of a Conservation Area Tree Notification proposing the felling of one of the trees the subject of this Order, the District Council made a provisional Tree Preservation Order in relation to two mature specimen trees, comprising a Californian Redwood of approximately 120+ years of age, and a Scots Pine of approximately 200+ years of age located within the curtilage of the above property in the Sherbourne Conservation Area.

### **ASSESSMENT**

Both of the trees are approximately 25m in height and significantly contribute to the character and visual amenities of the immediate area including the wider historic setting and landscape.

Upon the tree officer's site visit, he was made aware that a branch of the redwood had previously failed and landed adjacent to another resident. However, upon inspection of the tree there was no evidence of structural weaknesses or the presence of fungal fruiting bodies and both trees were also found to be in a sound biological state.

## **OBJECTIONS - Residents of Sherbourne House.**

The council has received two objections to the making of the Order as follows:-

- 1) The redwood is dangerous and presents a health and safety risk. Large branches have fallen close to residents, not just in high winds. The council's tree officer recently reported hanging limbs which required emergency removal. We are not content to regularly check the tree. The cost of tree surgery is prohibitive to us all.
- 2) The redwood is damaging the property by lifting the tarmac surface car park and effecting the boundary wall.
- 3) It is not an indigenous species and was planted after the house was built. The consequences of the tree growth were not considered at the time of planting.
- 4) Should the TPO be upheld, the council should be liable for any damage or injury caused by the tree.

## **SUPPORT – Sherbourne Parish Council.**

A letter supporting the making of the Order has also been received from three Parish Councillors: Antoinette Gordon, Rachel Newsome and Tony Merrygold, who confirm their full support for the Order which is considered to be both desirable and necessary. The letter of support identifies that:-

- 1) The trees are within the grounds of the Grade 2 Georgian manor house named Sherbourne house.
- 2) They are both clearly visible from neighbouring roads including Vicarage Road, Old Stratford Road and the A46 and represent a significant amenity benefit to the surrounding area.
- 3) Local residents are very keen to ensure both trees are protected particularly following the recent felling of other Victorian tree planting within the grounds, including a magnificent Copper Beech.

## **KEY ISSUES**

The key issues to be addressed in deciding whether or not to confirm the Tree Preservation Order are whether the trees are of sufficient amenity importance to justify such protection, and whether the public benefit afforded by the trees outweighs any private inconvenience experienced by individuals because of the trees.

The trees are considered to be of significant amenity value within the surrounding area. They soften and harmonize the transition between the built and natural environments, making a positive contribution to character of the Conservation Area.

The proposed felling of the redwood was not supported by any evidence of structural deformities or of any fungal fruiting bodies to support the view that the tree was unsafe or of a nuisance in the legal sense. Following inspection of both trees, the District Council's Tree Preservation Officer advises that there is no evidence to suggest any overriding concerns regarding the health, safety or stability and that the physiology and structure of the tree appears sound.

Whilst during a site inspection following a period of high winds, 3 hanging limbs within the lower crown of the redwood tree were observed, such an extent of damage is not considered to be sufficient to demonstrate that the tree is inherently unsound or dangerous.

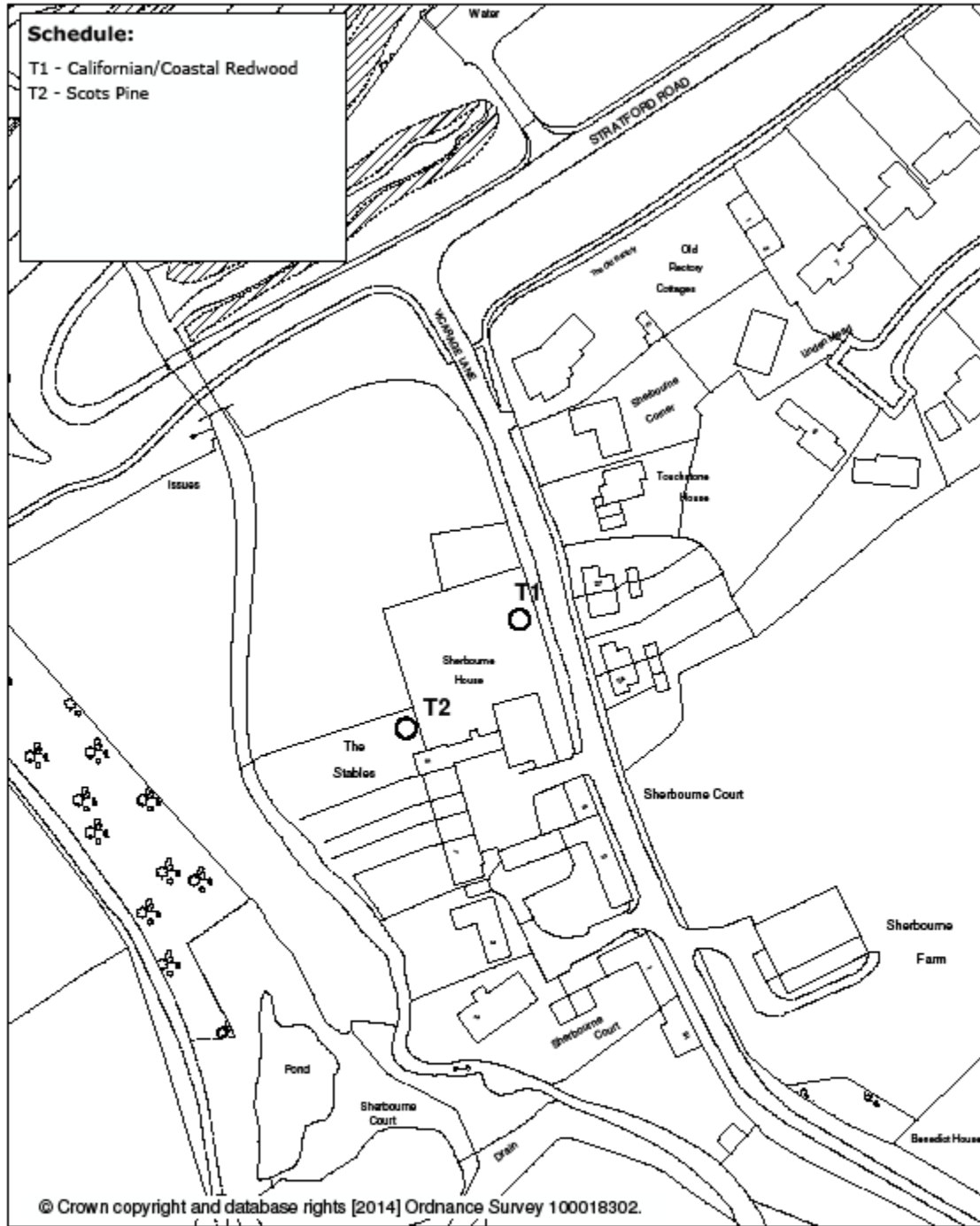
The effect of the Tree Preservation Order is to bring future work to the trees under the Council's control. It does not prevent future routine maintenance and an application to carry out further works can be made at any time.

A Tree Preservation Order also assists the Council to ensure continuity of cover by enabling the Council to require replacement planting in any future circumstances should it become appropriate to permit the removal of the trees.

During the inspection of the trees, no subsidence damage to the buildings was noted. Whilst damage to the tarmac drive and a crack in the boundary wall of the site were noted, that damage of itself was not considered to be such as to be sufficient justification not to confirm the Tree Preservation Order which would effectively permit the felling of the redwood tree and signal that the Council does not consider the scots pine to be worthy of protection.

Insurance liability for trees subject to a TPO generally rests with the property owner. However, following any refusal by the Local Authority of an application to undertake works to a TPO tree, compensation may be claimed within 12 months of the date of that decision for loss or damage which was reasonably foreseeable when the application was decided.

It is not considered that the issues raised in objection to the Tree Preservation Order are sufficient to outweigh the significant amenity contributions which the tree makes to the surrounding area.



	<b>Title:</b> <b>Tree Preservation Order No. 485</b> Sherbourne House, Vicarage Lane, Sherbourne, Warwick				
	<b>LOCATION PLAN</b> OS Sheet Reference No. SP2562SE Map Centred (NGR): 425992 E , 262073 N				
	Scale: 1:1250	Plan: 1	Drawn By: RP/KW	Date: 01 May 2014	File No. TPO 485
	Development Services: P.O. Box 2178, Riverside House, Milverton Hill, Royal Leamington Spa. CV32 5QH				



T1 Californian Redwood

T2 Scots Pine