

REPORT OF THE HEAD OF PLANNING AND GROWTH

APPEALS AND REVIEW COMMITTEE 12 June 2023

BOROUGH OF CHARNWOOD (14 Sanders Road, Quorn) TREE PRESERVATION ORDER 2023 - PROVISIONAL

1.0 Introduction

1.1 Background

A S211 Notice P/23/0029/2 was received on 9 January 2023 to remove a tree described as a 'fir' tree. The tree roots have exerted lateral thrust and cracked the rather small constraining raised edging around its base. The owner wishes to replace the tree with of smaller ultimate stature. The owner states the tree creates a sense of claustrophobia and feels it already over dominates his paved front garden.

The tree is a juvenile blue spruce *Picea Pungens* in good physiological condition. A TEMPO assessment was carried out resulting a score of 20, indicating that a TPO should be considered.

Consultations with the Chair of Plans Committee and Ward Councillors have been carried out in accordance with the scheme of delegation, and no objections to serving the TPO were received.

To ensure the tree, which make a significant contribution to the visual amenity of the area and the forecourt of the house, is properly protected, and retained in a satisfactory manner, a provisional Tree Preservation Order has been served

This will allow any proposed works to the tree to be carefully considered and refused if necessary.

1.2 The Site

The site is the spacious front garden of No.14 Sanders Road. The garden is substantially paved with the house setback from the street frontage.

1.3 Condition of the tree

The tree is Blue Spruce and is in good condition. It is a juvenile specimen, conical in shape and is considered to be a feature tree with high public visibility and amenity value. It is relatively unusual and an interesting feature which merits retention.

2.0 The Objections to the Order

An objection was received from the owners of No.14 Sanders Road. The following points were raised:

1. The Council appear to have made their decision on only the appearance of the tree
2. That the tree is less appealing and too large for the vicinity, a view that is supported by neighbours

3. That the tree was planted in 1996, many years after the TPO upon which the Council wish to rely was granted. It seems unfair that the tree is protected by a piece of protective legislation that was never intended for this particular tree.

4. That the tree has significantly grown over the 10 years we have lived here and will continue to do so. The tree dominates the front garden, preventing us (including our young children) from using the garden for leisure and sporting activities.

5 That the tree has/is growing into the other surrounding trees in our garden, reducing our/everyone's enjoyment of them. As the tree continues to grow, the garden will become overgrown and untidy. Surely this isn't in anyone's interests, and will arguably only detract from its visual contribution to the surrounding area?

6. That the tree has grown to such an extent that its roots are damaging surrounding walls. As the tree continues to grow, how long will it be until the damage it is causing spreads, to surrounding drives and walls.

7. That there appears to be little/no consideration for our replacement plans for the tree i.e. the replacement of a smaller, more athletically pleasing tree which allows us to use the garden for what a garden is intended, to reduce the incidence of root damage and to preserve a habitat for wildlife to continue to enjoy.

8. That the Council's decision contradicts the decision of it's Planning and Regeneration Department, who don't appear to have an issue with our plans.

9. With all due respect to The Council, there appears to be little consistency in its decision making on the matter of protecting trees and TPO's. Where was The Council's regard for 'visual contribution and appearance" to the locality when they granted the authority to destroy two trees facing my property five years ago, and allow the development in their place of a inappropriately large dwelling which is completely out of character with and intimidatingly dominates the rest of the street? Where was the regard or concern for visual appearance and wildlife when it granted the destruction of trees and habitat to make way for the development of Flanders Close or The Old Glebe. Where was its regard when it permitted the destruction of trees and habitat at the back of Warwick Avenue a few years ago, or land on Buddon Lane/Wyvernho Drive, again to allow property development in its place. It would appear that the Council are happy to allow trees to be felled in favour of large scale property development, rather than, in our case, the replacement of a single tree and for the

preservation of habitat and an aesthetically pleasing front garden for all to enjoy with a space to encourage play and leisure for our young children.

No other representations have been made in relation to the Order.

3.0 Response to the Objections

1. Upon receipt of a 211 Notice to undertake works to a tree in a conservation area the Council are required to consider if the tree subject to the Notice should be protected by a provisional tree preservation order. The primary reason for serving the Order is the amenity value of the tree, although the condition, form and biodiversity value are also considerations.
2. The Council uses the nationally recognised Tree Evaluation Method for Preservation Orders (TEMPO) which helps identify the amenity and significance of the tree. Using this method, the tree has been identified as having high amenity value.
3. There appears to be some confusion. Many of the surrounding trees are covered by the Tree Preservation Order (LAND AT LOUGHBOROUGH ROAD, HIGH STREET, POULTENEY DRIVE & SPINNEY DRIVE, QUORN), served by the Council in 1988. The tree subject to this review is protected by provisional Tree Preservation Order (14 Sanders Road, Quorn) served by the Council on 16th February 2023.
4. The serving of a Tree Preservation Order allows the Council to carefully consider future maintenance of the tree through a consent process. This enables a balance to be made between protecting the amenity value of the tree with the desires of the owners.
5. It is evident from the photographs contained in this report that the tree has adequate space to grow without impacting on other surrounding trees.
6. The serving of a Tree Preservation Order allows the Council to carefully consider future maintenance of the tree through a consent process. This enables a balance to be made between protecting the amenity value of the tree with the desires of the owners.
7. Without the tree being subject to a Tree Preservation Order the Council would be unable to ensure a replacement tree is planted and maintained in the future.
8. Without further evidence I am unable to comment on this objection.
9. There are a number of matters raised under this point which will need to be responded to separately, but they are not matters for consideration as part of this review.

4.0 Conclusion

Removing the Order by failing to confirm it at this appeal and review committee would mean the tree would be felled.

The committee is therefore recommended to confirm the Order without modification.

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APPENDICES.

APPENDIX A

