



Mr R Bennett
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By email - For the attention of Laura Strong

BowdenTPO/1

3 January 2019

Dear Mr Bennett

52 Maplewell Road, Woodhouse Eaves

Tree Preservation Order 2018 (LPA reference PT/16)

I refer to your letter dated 7 December 2018 in connection with the above.

My clients, Mr and Mrs Bowden, are freehold owners of 52 Maplewell Road (and therefore the tree in question) and wish to **object** to the Council's decision to make the Tree Preservation Order for the following reasons.

Context

An application to remove and replace the tree was submitted to the Council on 26 September 2018 by Mr Andrew Binks, a qualified arboriculturist employed at Forest Farm Tree Services.

In that application, the Council were told that the tree (being in close proximity to the house, the road and in contact with overhead phone lines) had outgrown its suitability for its surroundings with limited space for future development. It was also highlighted that heavy pruning in the past had failed to contain the tree.

The application also confirmed that the home owners were happy to plant a replacement tree – albeit no details of the replacement species were included on the form.

Without any feedback from the Case Officer dealing with the application (Nola O'Donnell), the Council indicated on its website its decision on 7 November 2018 to make a Tree Preservation Order and advised the Applicants that no works should be carried out to the tree without the appropriate consent.

Other than the Council's decision itself, no further information setting out the Council's reasons why it determined that a Tree Preservation Order should be made was available.

The above decision was ultimately followed by the aforementioned formal letter dated 7 December 2018 confirming the making of the Tree Preservation Order.

This explained that the Order relates to a **Dragon's Claw Willow** within the front garden of 52 Maplewell Road at the junction with Mill Lane. It stated that the tree was specifically retained as part of approved plans to extend the property under LPA reference P/18/0548/2 and that the tree was considered to make a significant amenity contribution to the landscape character of the street scene of this part of Woodhouse Eaves Conservation Area.

Following *the Conservation Area Notice to Fell*, the Council considered that a Tree Preservation Order was appropriate to ensure that the tree is properly protected and retained in a satisfactory manner.

Mrs O'Donnell subsequently confirmed that Mr and Mrs Bowden were entitled to ask the Council to review this decision as long as an objection was made in writing to the making of the Tree Preservation Order within 28 days of the letter to them informing them of the same.

Grounds for Objection

The tree has **outgrown its surroundings**.

It comprises a **species** which is widely accepted as being inappropriate in such close proximity to dwellings and has in the past encroached (and continues to do so) on the telephone lines to the property.

The tree is **unremarkable** in itself, and will only get bigger and cause more of a nuisance – e.g. impeding the phone lines, having the potential to affect/undermine the fabric of the property and block light to habitable bedrooms.

In terms of its **contribution to the visual amenity of the area**, this is considered to be limited – and certainly not '*significant*' as the Tree Preservation Order alleges.

The tree is not identified on any maps comprising either the Village Design Statement or Woodhouse Eaves Conservation Area Appraisal as a significant contributing feature, or highlighted as one of those individual trees having *any* notable contributing feature to the character and appearance of the Conservation Area.

In contrast, the Conservation Area Appraisal notes in particular a number of individual trees as follows:

*“Besides the trees and woodland surrounding the village, there are many individual trees that form an integral part of the street scene: **the Maple, Birch and Cherry Trees** planted at the entrance to Tuckett Road; **an Oak and four Pine Trees** outside no 116 Main Street; **a Cherry Tree** at no 64 Main Street; **two Palm Trees** in the garden of no 17 Main Street; **a Cyprus, a Cherry and two Lime Trees** in the garden of the Curzon Arms; and many fine shrubs and hedgerows which form an essential part of the townscape.”*

[Our emphasis]

Had the tree been considered to make a *significant* amenity contribution to the landscape character of the street scene of this part of the Conservation Area, my clients would have expected the tree to have been specifically mentioned in much the same way. It was not.

The same Conservation Area Appraisal notes that, as one goes up the hill, the houses on the right side of Maplewell Road mostly have large front gardens and that in places the houses are hidden by trees and shrubs. It further suggests that the feeling of enclosure is enhanced by the slate boundary walls and the hedges, shrubs and trees in the gardens which come close to the edge of the road.

My clients acknowledge 52 Maplewell Road comprises one of those houses on the right side of Maplewell Road as one goes up the hill, however it is not one of those dwellings that has a large front garden or a property that is hidden by trees and shrubs.

The Dragon’s Claw Willow is visible within the street scene, but (as can be seen from the photograph below) simply comprises one of *many* trees rather than being significant in itself.



Its removal would be barely perceivable and would certainly not cause significant harm to the character and appearance of this part of the Conservation Area.

Any amenity contribution to the landscape character of the street scene of this part of the Conservation Area could be *preserved* by its **replacement with a mature specimen** of a species more appropriate to its setting in such close proximity to the dwelling.

In support of the above, the Council has already consented to the replacement of the existing holly hedge with an alternative species (LPA reference P/18/0548/2).

In approving the same, the Delegated Report explains:

“The existing holly hedge on part of the boundary is very wide and is damaging the retaining wall. This would be replaced with a mixture of laurel and copper beech. This is because, unlike holly, these can be planted as a mature hedge which it is accepted would be less stark than smaller holly plants. These species already feature in the boundaries of other properties in the Conservation Area.

The scheme would not harm the character or appearance of the Conservation Area.”

It is respectfully submitted that the existing tree makes no more significant contribution to this part of the Conservation Area than the holly hedge.

Given that the Council has already approved the replacement of the holly hedge with an alternative mature species (and confirmed this in itself would not harm the character and appearance of the Conservation Area), my clients fail to see why the same principle could not be applied to the replacement of what the Council must surely accept is an inappropriate species of tree in such close proximity to the existing dwelling.

In the above connection, my clients are happy to agree the details of its replacement to ensure that it comprises a species already featured within this part of the Conservation Area, thereby ensuring its continued amenity contribution.

As a *new* specimen, more appropriate to its setting, such amenity contribution would be far longer lasting than the existing tree in any event.

Concluding Remarks

For all these reasons, the Council’s decision to make the Tree Preservation Order in this instance is not justified.

The existing tree should be allowed to be removed and its replacement with a mature specimen of a species more appropriate to its surroundings in such close proximity to the existing dwelling should be agreed with the Council as required to ensure any existing amenity

contribution to the character and appearance of the Conservation Area is maintained in perpetuity.

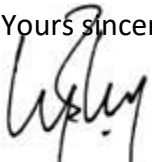
I would therefore be grateful if the above grounds for objection are conveyed to Members for their review and further consideration at the appropriate stage.

Please do come back to me should you require any further information in the interim.

In any event, I would ask please if you would notify me of when the matter is to be placed before Members in order that we have the opportunity to attend, observe and make further representations if and as permitted.

Kind regards.

Yours sincerely



Nick Baseley
MA(Hons)TP MRTPI
Director