

DRAFT REPORT OF THE HEAD OF PLANNING AND REGENERATION

APPEALS AND REVIEW COMMITTEE - 13 March 2019

Provisional Tree Preservation Order – 1 Brownhill Crescent Rothley

1.0 Introduction

1.1 Background

The trees consist of two mature pine trees and one spruce tree all in good condition all of which contribute to the character of the Rothley Conservation Area. The proposed works in the S211 Notice P/17/1609/2 also known as a Conservation Area Notice-Tree Works would adversely impact the amenity value of the pines rendering them less visible and nullify the value of the Spruce by removing it.

1.2 The Site

The property is situated on the north eastern side of the crescent off Westfield Lane. This is a typical garden suburb area of detached villas or mansion set within extensive gardens.

1.3 Condition of the trees

The trees are mature and in good condition.

2.0 The Objections to the Order

There are two objections to the Order.

2.1 The first is from the householder, Sean Jordan:

The four main points to the objection related only to the Spruce tree. They claim that:

1. The tree is disproportionately large in relation to the garden which they claim is small.
2. The tree prohibits normal life within the space [of the garden]
3. The spruce tree is “not very visible” from public areas and this is shield from view by the two pines.
4. They met with my predecessor, Mr David Carter whom they say verbally agreed to the removal of the spruce.

It should be noted there are no points of objection to the TPO on the pine trees.

2.2 The second objection is from a neighbour, Tracy Cluley, with an address on Westfield Lane:

The one main point of the objection related to the spruce tree: They claim that;

Pigeons nest in the tree and that their droppings is a health issue. They compare the extent of bird droppings to cow pats. They say that the droppings make the path slippery.

It should be noted there are no points of objection to the TPO on the pine trees.

No other representations from any other person or organisation have been made in relation to the Order.

3.0 Response to the Objections

3.1 Sean Jordan objection:

1. The tree is large. However the rear garden measures 644m² approximately with a average length of 24m and an average width of 25m. The rear boundary measures 30m. The overall plot size is 972m. The garden cannot be regarded as 'small'.
2. The tree prohibits normal life within the space [of the garden]. The crown which subtends over the garden covers an area of 64m². At least 193m² is unaffected by any tree or bush in terms of overhang. Therefore there is ample space to enjoy the garden outside of the crown spread of the tree.
3. The spruce tree is indeed visible from the public highway with an un-occluded vantage from the south along Brownhill Crescent (see photograph in appendix).
4. There is no record of a pre S211 notice discussion on file. Therefore I cannot verify.

3.2 Tracy Cluley Objection:

The issue of birds nesting or roosting is not one which the council would entertain the notion of lifting a TPO. Most trees attract birds and if this was to be considered a valid reason to revoke a TPO there would be very few trees left protected.

The Council's tree policy primarily written with regard to trees in the ownership of the Council is also a guide as to how we should deal with trees in Conservation Areas and TPO. The only mention of birds within the document recommends avoiding tree works within the bird nesting season to comply with the Wildlife and Countryside Act 1981 (as amended). While it does not mention bird poo as such, it does state with regard to 'Falling Leaves or Debris and Aphid Problems', "*The Council is not legally responsible for fallen leaves or other tree debris such as cones, seeds, blossom etc. Pruning of trees is not a solution to this occurrence and we would be extremely unlikely to fell a tree as a result of leaf litter etc. The same criterion applies to trees which host aphids with associated stickiness (honeydew) problems or trees that produce large amounts of fruit.*"

For the record, the rear garden of 19 Westfield Lane measures approximately 657m². This is, therefore, a substantially large garden with ample space for play well away from the immediate zone of the trees crown spread.

4.0 Conclusion

The reason put forward to remove the protection afforded the Order is not considered justified. Therefore it is my opinion that this objection should be dismissed.

The Committee is therefore recommended to confirm the Order

(supporting photographs attached- see appendix)

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APPENDICES – PROVISIONAL TPO – 1 BROWNHILL CRESCENT ROTHLEY

APPENDIX A PHOTOGRAPHS



View from south of the property along Brownhill Crescent

The Pines are left of centre and the spruce is marginally off centre to right.



This is the view from north of the property along Brownhill Crescent

The pines are just off centre to the left of frame.



This is the view of the Spruce from outside the neighbouring property- 3 Brownhill Crsc.



This is the view of the pines from outside the entrance to the property.