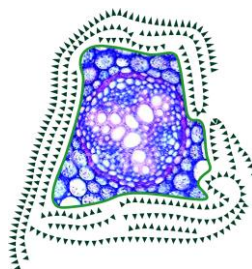


# HILL - FORT TREE CARE ANNEX 2



LANDFIELD FARMHOUSE, LITTLE DALBY, LEICESTERSHIRE,  
LE14 2UG . TEL/FAX 01664 454699

26 September 2019

Mrs Laura Strong  
Democratic Services Officer  
Charnwood Burrough Council  
Democratic Services  
Southfield Road  
Loughborough  
LE11 2TX

Dear Mrs Strong,

## Burrough of Charnwood (161 SWITHLAND LANE) TREE PRESERVATION ORDER 2019

I write on behalf of my clients Mr and Mrs Barnes of 163 Swithland Lane in objection to the imposition of the Tree Preservation Order (161 SWITHLAND LANE) TREE PRESERVATION ORDER 2019 on the Redwood (*Sequoia sempervirens*) described as T1 in the order and annotated as T1 on the TPO plan.

The tree, a Coastal Redwood (*sequoia sempervirens*) is young, less than 25 years of age and appears in good health and vigour. The top 3-4m of the tree is visible from limited parts of the public highway (Swithland Lane) and a few of the neighbouring properties. It is vigorous and has an aggressive root system that has encroached upon the neighbouring property and caused substantial damage to the adjacent tennis court. The tennis court has been in disuse for the last 6 years or so due to the damage caused by the tree roots making the court unplayable and a danger to users.

The court, built in the 1950's, was professionally re-surfaced to 'county court' standard by Fosse Contractors Ltd of 28 Cannock Street, Leicester LE4 9HR, approximately 14 years ago. The damage, self evidently caused by incremental growth of tree roots, extends well into the centre of the court, has lifted concrete retaining kerbs and the court surface by up to approximately 100mm in height above the laid surface level.

Mark Ashman DIP ARB (RFS), M. ARBOR. A.  
Mobile: 07905 665335

Web: [www.hill-fort.co.uk](http://www.hill-fort.co.uk)  
Email: [Mark@hill-fort.co.uk](mailto:Mark@hill-fort.co.uk)

Fosse Contractors Ltd have recently been out to the property again to advise upon repair and resurfacing. Upon inspection the company have declared that the tennis court is irreparable in its current state and that further damage is inevitable if the tree is allowed to continue to grow unabated due to root growth and encroachment.

To respond to several points made in your letter of 30 August 2019: you state (1) that the court is 'old and degraded (2) that cracks are well beyond the zone of influence of the tree and that (3) the court could be designed to minimise the risk of localised disturbance. With due respect:

- (1) The court was resurfaced 14 years ago and is due resurfacing, but its degradation due to tree root damage makes resurfacing impossible. The court requires remedial repair to damage caused by tree roots before any resurfacing can take place.
- (2) It is clear from inspection that damage by tree roots extends to the middle of the court. Tree roots may radiate well beyond twice the height of the tree and according to the 'National House Building Standards (Building Near Trees)' will have a zone of influence up to 0.75 X mature height. That would place the entire court within the zone of influence of the tree.
- (3) I can see that there could possibly be an engineered solution (subject to an engineer's positive advice) where perhaps a substantial reinforced concrete root barrier could be installed to deflect tree roots. However this would, I anticipate, require an increase in court height (building up above the current damage, and very substantial amounts of infill, concrete and steel that would be at great cost both to the those footing the bill and to the environment.

Clearly the tennis court was in existence well before the tree was planted and damage to property by the effects of tree related subsidence and damage by contact are well recognised today. Therefore, any damage caused by the tree would be recognised as foreseeable, and subject to legal advice, the tree owner or responsible occupier of the land would be liable for costs. The Council should it stand in the way (by refusal of consent to fell the tree) of making good the damage at reasonable cost could be subject to a claim for compensation under Part 6, Compensation, of the 'The Town and Country Planning (Tree Preservation)(England) Regulations 2012'.

Insurers are now involved in sorting the matter out and it appears to me that the imposition of a Tree Preservation Order on a tree of limited amenity value, clearly causing damage to neighbouring property, will muddy the waters and increase time spent, anguish and costs in the proceedings, where this should be a matter for simple good neighbourly negotiation.

I urge the council to reconsider the matter and revoke the Tree Preservation Order.

Yours sincerely



Mark Ashman *DIP ARB (RFS), M. ARBOR. A.*  
Mobile: 07905 665335

Web: [www.hill-fort.co.uk](http://www.hill-fort.co.uk)  
Email: [mark@hill-fort.co.uk](mailto:mark@hill-fort.co.uk)