

## REPORT OF THE HEAD OF PLANNING AND REGENERATION

### APPEALS AND REVIEW COMMITTEE, 19 July 2021

#### BOROUGH OF CHARNWOOD (104 Main Street) TREE PRESERVATION ORDER 2021 - PROVISIONAL

#### 1.0 Introduction

#### 1.1 Background

A S211 Notice P/21/0289/2 was received seeking to fell three trees, an Ash and two Crack Willow along the eastern boundary which is a dry/stone wall. The reason cited for seeking to fell is to rebuilt the drystone wall. However dry/stone walls traditionally can incorporate presence of trees within the wall alignment or be built around a trees. ( See appendix) One Crack Willow leans though no evidence that this was a progressive lean was presented. Should any tree become an issue it would be possible to resolve via the application process or if any tree presented an immediate risk of serious harm via the Tree The Town and Country Planning (Tree Preservation)(England) Regulations 2012 exception clause 14.

#### 1.2 The Site

The site is the the rear of the dwelling, a former farmstead. The tree form part of the collective wooded backdrop to the street and as such contributed to the character and appearance of the Conservation area.

#### 1.3 Condition of the trees

The trees were not individually examined as part of the TPO process.

#### 2.0 The Objections to the Order

The objections to the Order were received by email.

#### Objection - Mrs Johnson of Johnson Tree Care -Agent

The objection letter is based on the opinion of a fully trained tree consultant Mr Edward Severin DipArbL4 (ABC), Tech ArborA who agrees that T1 ash merits TPO and confirms that its loss would have considerable effect on the wooded backdrop.

#### The Objection focuses on the crack willow T2 and T3 asserting that

T2 and T3 are reported to be of minor contribution to the wooded backdrop effect with limited points of visibility along the street. This is highlighted in the series of photographs. The position of the arborist is that the loss of these tree would be mitigated by revealing views of other trees.

The objection also gives detail on the condition of the trees finding that T2 has three over-weighted limbs and T3 two large tear out wounds.

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

### 3.0 Response to the Objections

1. I note there is no objection to placing T1 ash under TPO. This should allow for TPO for this tree to be confirmed
2. I note the evaluation of the viewpoints to T2 and T3 that the views to the trees are not continuous but seen for gaps between built form. Indeed the cadence of such views is of itself an important aspect of the character of the streetscape and should not be seen to diminish the importance of the trees which form significant portions of those views. The highlighting on the images is helpful in confirming their contribution. The point I accept is that there are other trees which visually will be seen should T2 and T3 be removed.
3. I note the arborists report on the trees condition. None of the issues would necessarily require remedy by loss of the trees by felling. The over-weighted limbs of T2 could be reduced and the deadwood in the crown of T3 could be removed. Indeed deadwood removal is an exempt operation for TPO trees so the TPO would not prevent remedial works. The tear-out wounds are evidence of major limb failure in the past and I accept that a tree with a combination of repeated limb failure and significant deadwood may need radical crown work such as pollarding were the tree of major visual importance and ultimately removal. It is well known that crack willow become increasingly brittle with age and to extend their lifespan would require pollard management or felling.

Taking all the submitted evidence into account, I accept that T3 crack willow does not merit TPO.

### 4.0 Conclusion

Removing the Order by failing to confirm it at this appeal and review committee would mean T1 and T2 crack willow would be subject to felling with the loss of their amenity to the area. The only way to secure the trees presence and subsequent replacement is via confirming the Order.

The committee is therefore recommended to confirm the Order with modification listing T1 ash and T2 Crack Willow.

Contact Officer:

Nola O'Donnell MAgrSc Dip (hons) LA CMLI

Senior Landscape Officer

Contact: [trees@charnwood.gov.uk](mailto:trees@charnwood.gov.uk)

APPENDIX A

Images of drystone wall details accommodating presence of tree





