

Agenda Item 9

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Report

Report subject: Tree Preservation Order 380, 44 Stonehenge Road, Durrington

Report to: Northern Area Committee

Date: 7th September 2006

Author: Shane Verrion

Tree Preservation Order 380 (Copper Beech) 44 Stonehenge Road, Durrington

Purpose of Report:

This item is before members because an objection has been received to the imposition of Tree Preservation Order 380.

Background:

44 Stonehenge Road is a semi-detached property located to the south of the village. Permission has recently been granted for a two-storey extension to the side of the property (S/2006/0772).

Initially the Copper Beech was to be removed as part of the planning application for the extension. The Council's then Arboricultural Officer Jake Eastman conducted a site visit to ascertain whether the tree was worthy of protection. Mr Eastman was of the opinion that the tree is a good specimen in good condition that makes a positive contribution to the visual amenities of the surrounding area and should therefore be retained and protected. He felt that the proposed extension need not harm the health and amenity of the tree and that it could be contained in its current location. The tree is located outside of a conservation area and as such has no statutory protection; as a result the decision was taken to place a Tree Preservation Order on the tree.

As a result of the TPO, the planning application for the extension was amended to show the tree to be retained and was approved on 1 June 2006.

Although the approved side extension will partially screen the tree from public view from the north west (front) the tree will still be visible to the public from Stonehenge Road from the northeast and southwest.



Awarded in:
Housing Services
Waste and Recycling Services



There has been one objection to the proposed TPO (see details below). After this objection was received, a further site visit to assess the tree was undertaken by the Council's current Arboricultural Officer Shane Verrion. During this site visit Mr Verrion confirmed that the tree was worthy of a TPO.

Objection:

There has been one objection to the order from the neighbouring property. They have objected on the following grounds:

1. The tree in question causes a nuisance due to the constant stream of leaves and seeds, which do not compost easily. The tree also causes the loss of natural light
2. Although a nice tree it is totally in the wrong place. It has also been an issue with potential purchasers of our property when we tried in vain to sell.
3. I will reserve my right to remove any boughs that hang over my boundary and obscure the light if it stays and is not maintained down to its current level.
4. I also have concerns for the foundations of my garage as the tree has increased in size considerably since it was first planted.

Comments to objection

1. The dropping of leaves and seeds is unfortunately not something that can be controlled and is one of the disadvantages of living near a deciduous tree. The tree does have potential to cause some loss of light, as it is located to the south of the neighbouring property. However provided that the tree is well maintained it is considered that any loss of light will not be significant enough to warrant felling the tree.
2. It has been shown that semi-mature and mature trees tend to increase property values as well as decreasing sales times. In this case, the objector feels that the tree has been one of the reasons why his property has not sold. However the tree may not have been the only reason why the property failed to sell. There are other reasons why properties cannot be sold and the tree could have been one of many possible reasons why the objector's property remained on the market.
3. A TPO does not stop works that are necessary, being carried out. It does however require the applicants to make an application to carry out the works. The application is free and allows interested parties to make comments on the application.
4. Assuming that the foundations of the garage were correctly designed and built, the roots of the tree should not have a detrimental effect on the neighbouring garage.

Conclusion:

Although the tree will be partially hidden from the northwest by the approved extension, it will still be clearly visible from the northeast and southwest. It therefore affords significant visual amenity and makes a positive contribution to the appearance of the surrounding area, which lacks the presence of semi-mature and mature trees. There was an expedient threat to the tree, which is a good specimen in good condition. It is therefore considered that the tree is worthy of a Tree Preservation Order.

Options for consideration:

Members should decide whether to confirm the order to make it permanent

Members therefore have the following options:

- a) **Confirm the order** Tree Preservation order 380
- b) **Not confirm the order** Tree Preservation order 380, with the effect that the tree will not be protected.

Costs None

Recommendations:

That tree Preservation Order 380 is confirmed without modification.

Background Papers:

None

Other Representations:-

Implications:

- **Financial:** None
- **Legal:** In Report
- **Human Rights**

Article 1 – Protocol – Protection of property – There is a minor interference but this is justified and proportionate in view of the public amenity value of the tree

- **Personnel:** None
- **Community Safety:** None
- **Environmental implications:** To seek to preserve and enhance the environment.
- **Council's Core Values:** Protecting the environment
- **Wards Affected:** Durrington