



Northern Area Committee

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REPORT

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Tree Preservation Order 346

11 Salisbury Road, Salisbury.

Purpose of Report:

This item is before members because objections have been received to the imposition of Tree Preservation Order 346.

Background:

11 Salisbury Road is a property on a large plot of land on which planning permission has been granted to build a new bungalow and three terraced houses (S/2003/1676).

A new application was received for the site which showed a new enlarged bungalow to be built closer to a walnut tree situated in the garden of 11 Salisbury Road (S/05/0152). The walnut tree was outside the conservation area and as such had no statutory protection. A preservation order was made to protect the tree in order that the tree was given proper consideration during the planning process. As a result of the TPO, the planning application was amended so that the footprint of the bungalow fitted that which was already approved.

Whilst the Walnut is not the most significant tree on the plot (this being the beech at the front), it is considered that the walnut does contribute to the leafy character of the area, and that it is an important tree.

Objection:

There have been two objection to the order.

The first is on the following grounds:-

1. The TPO will have a significant detrimental effect on our property and the only amenity space we have. It has upset our plans and will affect our future property value.
2. We have agreed to move the bungalow away from the tree in order to preserve it and give us more garden space.
3. This restriction and preservation order is unnecessary in this circumstance as the tree is under no threat what so-ever, we all agree that its maintenance will be shared between us and it will be looked after. If we hadn't thought that it would have surely been removed by now.

The second is on the following grounds:-

4. There is no threat to the tree now or in the future and as such there is no expediency to the order.

For the following reasons:-

- (a) Approximately 25% of the protection zone lies in the grounds on which the bungalow is to be built with the remaining 75% either on my land or other land to the north east.
- (b) Following on site discussions with Council Officers the bungalows footprint has been moved further eastwards to remove as much as possible of the building from within the protection zone. As a result the proposed bungalow footprint now occupies approximately 1% of the projected protection zone.
- (c) Additionally, prior to the meeting I had engaged the services of an Arboricultural Consultant to produce a method statement that detailed and specified all physical protection that would be employed to minimise any damage to the tree and its root system. This included protective fencing (at a distance agreed with the Arboricultural Officer), reducing the size of the car parking area adjacent to the tree and for the 1% of the protected area that the building footprint would extend to, the use of alternative foundation design and construction methods.
- (d) I recently purchased my property and the adjoining land with an existing planning consent (S/03/1676) to build a bungalow whose footprint is much closer to the walnut tree than the current application and would if implemented have a far greater impact upon the tree. At the time Salisbury District Council did not consider the tree to be threatened enough to apply a preservation order, just planning conditions, to provide the tree protection.

The second part of the reasons

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Comments to objection

1. The TPO and the tree should not have a detrimental effect on the property assuming that the foundations of the property are correctly designed and built. It will also not effect the amenity space of the dwelling as the tree is situated to the north of the bungalow, and so will not intercept light into the amenity space. Mature trees have been shown to increase the value properties, as well as decreasing sales times, the Council do therefore not believe that the future property value of the dwelling will be affected by the TPO.

2. If the tree has not been protected the Council could not have objected to the placement of the bungalow and integral garage closer to the tree. Had the Council not served the preservation order, the tree could simply have been removed to overcome the objection. As a result of the TPO the bungalow has been moved back so that it is no closer that the previously approved footprint (S/2003/1676).

3. The 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. The Council did feel there was a threat to the tree in so far as the canopy of the tree would have to be significantly reduced in order to allow the proposed bungalow and integral garage to be built as per the initial plans received by the Council through application (S/2005/0152). This footprint was greater than that previously approved which would have caused additional root damage to the walnut tree.

4a-d. There was a threat to the tree by virtue of the planning application received by the Council which showed a dwelling of a greater size than previously approved, to be built less than three metres from the trunk of the walnut tree. This was a closer distance than had previously been approved, and as such there was felt a threat to the tree, due to direct root damage as well as the need to prune the tree back to allow the dwelling to be built.

The placing of TPO's on trees to protect them is common practice, so that the trees are then considered in the planning process. Without the preservation order in place there is nothing to stop the applicant (or future

owners of the tree/land) removing the tree in order to make an application similar to the one which threatened the walnut. The applicant has since moved the dwelling, but this is out so that the footprint is similar to that which has been approved. Conditions have since been placed on the approved bungalow although as yet an Arboricultural Method Statement has yet to be agreed.

5a It is felt that the tree does provide an important screen and will stop overlooking into the rear garden of the bungalow.

5b-c The tree can be seen from Salisbury Road and does provide an important public amenity. Many letters of support for the TPO have been received from neighbours as well as the Town Council. It is true to say that the beech at the front of the property does provide a great amenity by virtue of its location, however the Council has currently received two applications to fell this tree (S/2005/0600 and S/2005/1110). If at some future date it was determined that sufficient justification has been provided to remove the beech tree, then the Walnut will have a greater future amenity than currently.

Conclusion:

The tree is clearly visible from a public point of view, affords significant visual amenity and contributes to the leafy character of the area. There was an expedient threat to the tree and it is therefore worthy of a tree preservation order.

Options for consideration:

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

Members therefore have the following options:

- a) **Confirm the order** Tree Preservation order 346
- b) **Not confirm the order** Tree Preservation order 346, with the effect that the tree will not be protected.

Costs None

Recommendations:

That tree Preservation Order 346 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:** Amesbury West