

Kennet District Council

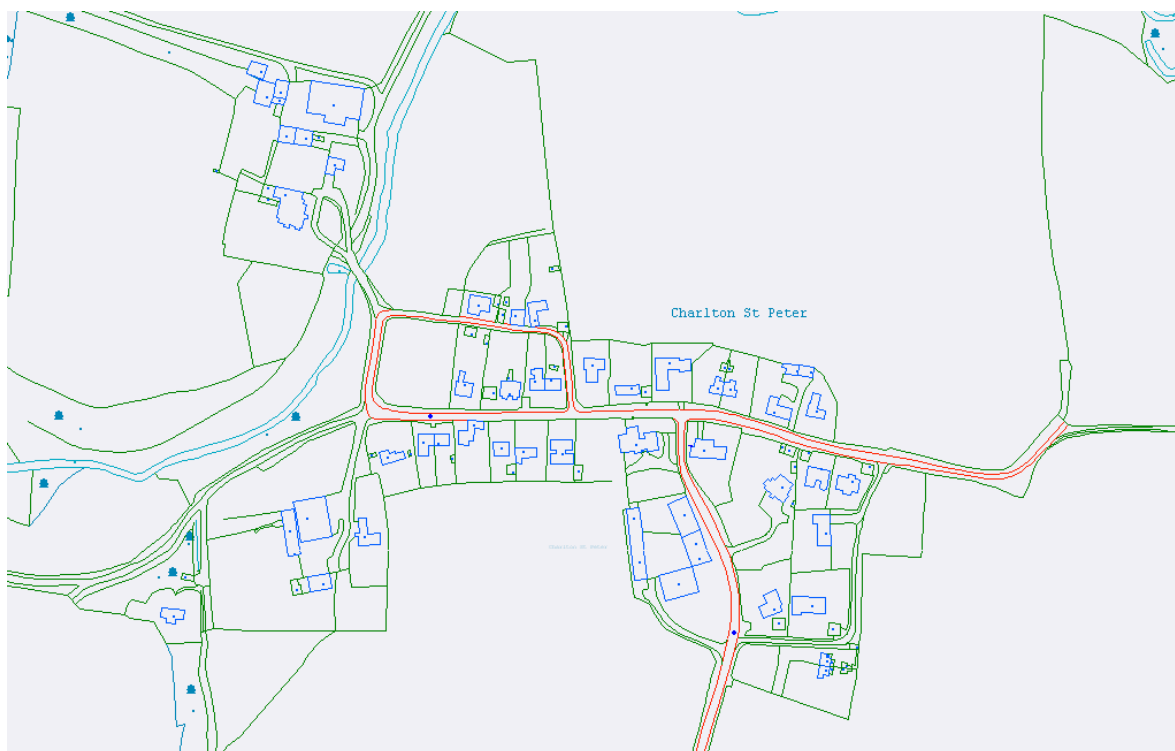
Regulatory Committee 27th September 2007

Provisional Tree Preservation Order at Cleeve House, Charlton St. Peter.

Report by Planning Services Manager

Purpose of the Report

The purpose of this report is to consider confirmation of the Provisional Tree Preservation Order at Cleeve House, Charlton St. Peter.



Financial and Staffing Implications

None

Background

A provisional Tree Preservation Order (TPO) was made in respect of an early mature red leaved Norway maple within the rear garden of the property following receipt of a conservation area notification to fell the tree (K/56398/TR2).

The notification to fell the tree was received on the 11th April 2007, for the following reasons:

- The leaf canopy casts excessive shade on the vegetable garden and significantly decreases growth of vegetables;
- Roots have disrupted septic tank drainage laterals so that considerable expense caused in installing a relief lateral out across the meadow to the west has cost £3000.00
- The tree has caused the lawn to dome and this is putting the greenhouse out of square

At the time of inspection the tree was considered by officers to be of significant amenity value and an important tree contributing to the sylvan character of the village. A provisional tree preservation order was therefore served as this is the only means open to the Council to protect the tree.

Following the serving of the TPO an objection was received from the parish council and the applicants, who also provided a signed petition of 58 villagers who also raise objection.



Tree viewed from nearby public areas

Grounds of Objection

In addition to the tree works notification Mr & Mrs Giles have also raised the following objections:

- The 50' tall tree can reach 90', it is unfair of the Council to say that they must be prepared to tolerate the tree because it is a pretty tree.
- The top soil is only 2' deep and very shallow over chalk. The rooting system is probably shallow and appears to be pushing the tree upwards and dragging the lawn with it. The windage presented by this tree will increase considerably and it is feared that there is a very real risk that it could be blown over by increasingly strong, freak windstorms. The tree is only 37' away from the property and the house is already at risk.
- The tree is ruining the vegetable plot by its gross overshadowing. Mr & Mrs Giles have always grown vegetables and believe it is their right to do so which should not be arbitrarily taken away from them. Considerable work has been spent in importing better soil to improve the vegetable plot and consider it grossly unfair to suggest that that it can moved elsewhere within the garden. It is considered that the garden was a vegetable garden of the adjoining garden before the house was built and was there before the tree.
- The applicant has also reiterated that the tree is damaging the lawn and distorting the green house, which is resulting in the cracking of panes of glass.
- It was not appreciated that the little 4' sapling would develop in to a 90' monster and that no one should be sentenced to play host to a tree of such size in only a modest sized garden;

- Mr & Mrs Giles questions who will benefit from the retention and protection of this tree as '*it contributes special amenity value*' which is stated in the Provisional Tree Preservation Order.
- Mr & Mrs Giles have stated that they are not tree vandals, and have actively taken part in tree planting throughout the district over the last 30years and that the proposal to remove the tree is not based on any financial benefit, but real cost and risks to them if the tree remains.
- Mr & Mrs Giles believe that the tree is relatively insignificant and could be replaced by other plantings, which would include a single small tree on the western side of their garden and a number of other trees elsewhere within the village.
- It is considered that the community gain would greatly outweigh the loss of one tree which is currently a great disadvantage and anxiety to Mr & Mrs Giles.

Arboricultural Officers Comments

The tree in question is a red leaved Norway maple which is of considerable prominence in the village, due to its colour, size and location, particularly when viewed from the western end of the village and main road (A342). At the time of inspection the tree was considered to be healthy and stable contributing to the sylvan character of the village, which is not only available to be appreciated by the residents of the village but by the wider community in general.

Norway maple is a commonly planted tree in many gardens and new development schemes due to its versatility and moderate size when mature. Although non-native species in the UK they are ideal for many sites, which often responds well to tree surgery.

It is acknowledged that the owners have concerns over the potential shading of their vegetable plot, roots affecting the pipes of the septic tank, the lifting the lawn and safety of the tree in adverse weather conditions. However, as the works to rectify the problem with the septic tank have already been undertaken, the possible removal of the tree on the remaining grounds do not appear to be adequately justified when alternative remedial works do not appear to have been fully explored.

The removal of a healthy and stable tree on such grounds would also set an unhelpful precedent in the village, which the Council could find very difficult to resist on further tree work applications.

Although the Council welcomes the replanting of suitably sited trees within the village, there are no other significant trees within the grounds of the property which would help off set the loss of amenity afforded by the tree in question. Any replacement planting following the removal of the tree would also take a number of years to attain a similar level of amenity afforded by the tree in question, unless the replacement tree was of a significant size at the time of planting.

It is also drawn to Members attention that replacement tree planting can only be conditioned as part of a Tree Preservation Order application and not following a conservation area tree works notification for tree removal.

Recommendation

The tree preservation order on one Norway maple be confirmed.

Background papers

Application K/56398/TR2

ST/MW