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Report

Report subject: Tree Preservation Order on land at Cross Cottage, Duck Lane, Barford St.
Martin, Wiltshire, SP3 4AN

Report to: Western Area Committee

Date: 13th September 2007

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Purpose of Report:

This item is before Members because an objection has been received to the Tree Preservation Order (TPO no. 393) on land at Cross Cottage, Duck Lane, Barford St. Martin, Wiltshire.

Background:

TPO 394 was enacted to prevent the felling of a Yew tree. Notice of the owner's intention to fell the tree, which is situated in a Conservation Area was received on 16th March 2007.

The Arboricultural Officer subsequently carried out an assessment which determined the tree was worthy of protection and a TPO was enacted on the 4th May 2007.

The Yew is a good example of its Genus/species with a potentially considerable life expectancy. The owners stated they wished to fell the tree because it overhangs the garage and blocks light to the gardens at both Cross Cottage and Spring Lea (the neighbouring property to the west).

Objections:

The neighbours at Spring Lea have objected to the application of a TPO for the following reasons:

- The tree has grown considerably in the last 11 years and now it blocks light and obscures the view of St Martin's Church.
- The tree overhangs the garden of Spring Lea and has an adverse effect because of the shading it creates.
- The substantial growth of the Yew may be as a result of root ingress into a nearby sewerage outlet pipe.
- The tree attracts pigeons and their droppings can present a health hazard.

Comments on objections:

In response to the points raised:

- The tree is still relatively small so it is difficult to accept that it blocks excessive amounts of light. It is situated directly to the west of Spring Lea so it will obscure the early morning sun. The view of the church is blocked by a pear tree as much as the Yew.
- The tree barely overhangs the garden of Spring Lea and there is no physical evidence of damage caused by the shading it creates.
- The Yew may have accessed the sewerage outlet but no evidence has been provided to suggest this is the case. Nevertheless, it is rare for tree roots to break through drains; generally they only exploit gaps that already exist.
- Pigeons may use the tree to nest etc. but there is no evidence to prove they are present in great numbers. Furthermore, given the fact the tree barely overhangs the garden of Spring Lea, if at all, it is hard to understand how a significant amount of droppings present a problem.

Representations:

The Parish Council objected to the felling of the tree. They felt it was a good example and that it did not appear to overhang the garage or shade a large part of the garden at either Cross Cottage or Spring Lea.

Conclusion:

The Yew tree is a good example that adds to the leafy nature of the Conservation Area. It could easily be pruned to ensure that it does not cause damage to the nearby garage and it does not appear to create excessive shade over a large part of either garden. As such, there does not seem to be any justification for its removal so a TPO is required to protect it.

Options for consideration:

Members should consider the Tree Preservation Order and decide on one of the following options:

- 1) To confirm the order (and protect the tree)**
- 2) Not confirm the order (and allow the tree to be removed)**

Recommendations:

The Tree Officer recommends the order is confirmed because the loss of the tree would detract from the visual amenity and character of the area.