

## Agenda Item

**Name of Meeting: Development Control**

**Date of Meeting: 2<sup>nd</sup> August 2005**

**Report Reference: Tree Preservation Order ref. TPO 18/2005 2 Elwyn Road, Exmouth**



### **Report Title: Consideration of whether to confirm a Tree Preservation Order at 2 Elwyn Road, Exmouth**

#### **Summary**

A Tree Preservation Order was made to protect one mature yew tree at 2 Elwyn Road on 27<sup>th</sup> April 2005 after the Council had been alerted to the fact that trees were being felled at the property. Several trees were being removed, but the yew was perceived to be the tree of greatest public amenity value and it was considered appropriate to protect just this one tree.

It appeared likely at the time that trees were being removed to facilitate some development of the property; an assumption which has since proved correct.

Three letters of objection to the making of the Order were received during the statutory 28 day period for objections. One of these letters was from the owner of the tree, the other two being from neighbours at 4 Elwyn Road.

It is now for the Council to make a decision as to whether it will be appropriate to confirm the Order.

#### **Recommendation**

**The Tree Preservation Order be confirmed.**

#### **a) Reasons for Recommendation**

The tree is a healthy specimen which is clearly visible from the road and neighbouring properties. It is in keeping with the landscape character of the locality and makes a significant contribution to public amenity. It is under threat as a result of proposed development of the property and if the Order is not confirmed it is likely that it will be removed. If a planning application is to be submitted, it will be appropriate to consider the potential impact upon this tree as part of the process of determining the application.

#### **b) Alternative Options**

The alternative to the recommended action would be to not confirm the Tree Preservation Order.

#### **c) Risk Considerations**

There are not perceived to be any particular risks associated with protection of the tree in this instance.

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## **Main Body of Report**

### **Details of the tree protected by the Tree Preservation Order:**

The tree in question is a mature yew of approximately 11m in height, situated at the front of the property at a distance of approximately 15m from the road. It is healthy and attractive and is clearly visible from the road and neighbouring properties.

### **Summary of the 3 letters of representation received: Copies of these letters are within the Tree Preservation Order file which is available for inspection as a background document (i).**

- A letter from the owner of the tree, objecting primarily on the grounds that retention of the tree may hinder an intended planning application. Objection is also made on the grounds that the tree is a nuisance to elderly neighbours and blocks light to the sitting room window. It is felt that the tree is oppressive in nature.
- A letter from a neighbour at 4 Elwyn Road (Flat 1), objecting on the grounds that the tree is a nuisance. It appears likely that this is owing to the tree dropping debris into the garden.
- A letter from another neighbour at 4 Elwyn Road (Flat 2), objecting on the grounds that the tree is close to a garage and may cause damage to the building. Detritus from the tree blocks the gutters of the garage and it is not felt that the tree adds to the amenity of the area.

### **Comments on the objections received:**

The owner of the tree appears to object primarily on the grounds that retention of the tree may hinder a forthcoming planning application. The owner would like to remove the tree prior to the planning application being submitted, which is essentially why it has been protected. It is felt that the appropriate course of action will be for the Council to consider the potential impact on the tree as part of the process of determining any forthcoming planning application. If it is proposed that the tree be removed as part of a planning application, the Council will be in a position to make a judgement on whether this would be acceptable within the context of the development proposed.

It is appreciated that the tree may be an inconvenience to neighbours in terms of dropping detritus, but it is not felt that this in itself would present justification for it to be removed. The wider contribution that the tree makes to the amenities of the area is considered to outweigh the relatively minor inconveniences it is perceived to be causing.

There is no indication that the tree is causing damage to the adjacent garage or that it is likely to do so. Should any evidence come to light in the future that the tree is likely to cause damage to this building, the Council will be able to consider the facts at that time and review the position accordingly.

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#### **Legal Implications:**

The Tree Officer's comments are to be supported. TPO to be confirmed.

#### **Financial Implications:**

There are no financial implications.

#### **Consultation on Reports to the Executive**

Not applicable.

#### **Background Documents:**

- (i) TPO file ref. TPO 18/2005
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