

## CITY OF PLYMOUTH

**Portfolio and Holder:** Cllr. Ted Fry

**CMT Member:** Anthony Payne - Director of Development

**Subject:** Objection to Tree Preservation Order  
No.467: 'Bryntirion', Seymour Road,  
Plymouth

**Committee:** Planning

**Date:** 22 April 2010

**Author:** Jane Turner- Tree Officer

**Contact:** 4362

**Ref:** DC/T1/2/1

**Part:** I

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### Executive Summary

#### Background

Under delegated authority, on 7 January 2010, an emergency Tree Preservation Order No.467 was made to protect 2 Lawson Cypress within the grounds of 'Bryntirion', Seymour Road, Mannamead, Plymouth. The owner notified us of their intention to remove the trees, as required when a tree is located within a Conservation Area. The Local Planning Authority has six weeks from the date of the notice to decide whether it is appropriate to make a Tree Preservation Order. Following discussions with the owner about alternative options for resurfacing the drive, it was evident that they still wished to remove the trees.

It was therefore considered expedient in the interest of public amenity and the character of the conservation Area that a Tree Preservation Order be made and TPO No.467 was made to protect the two Lawson Cypress (see photo 1). We have received two objections to the making of the order, one from the owner of the trees, Dr Lander, and another from a neighbouring property, Mrs Tarling at 3 Mannamead Rise.



## **Objections**

The main reasons for objection are summarised as follows (the full letter is available as a background paper):

### **Dr Lander:-**

- 1. The trees are 40ft plus high, planted in flower beds 4-6ft wide, within a foot of garden walls and causing extensive and expensive damage to the tarmac drive*
- 2. I reserve the right to repair the drive by replacing the damaged tarmac in harmony with the rest of the driveway.*
- 3. Myrits' Luna' will be planted in place of the Lawson Cypress.*
- 4. There is a restricted covenant formerly applying to this neighbourhood that states that no plant tree or shrub should be allowed to grow beyond the height of 8 feet.*

### **Mrs Tarling:-**

- 1. One of the trees has a very thick bough which overhangs my garden. It excludes a considerable amount of light.*
- 2. I would not object to the felling.*

## **Analysis of issues listed above:**

### **Dr Lander:-**

1. Although the trees are close to the boundary wall within a flower bed there is no indication from the owner that this is causing a problem with the boundary wall. There is evidence of damage to the tarmac drive (see photo 4). However, it is considered that this could be repaired with an additional layer of tarmac without the need to remove the tree, or an alternative form of surfacing could be considered such as gravel that would allow for any expansion of the roots.
2. If the tree preservation order is confirmed the owner can still apply to have the trees removed in order to repair the drive in the way they wish to. If we refused consent for the trees removal the owner would have the right of appeal. An independent inspector will decide whether or not the repairing of the drive justifies the removal of the trees.
3. The choice of replacement is not in debate as we do not consider the trees should be removed; therefore a replacement is not relevant at this stage. However, if the Committee decide to modify or revoke the order then the Local Planning Authority would welcome a suitable replacement but would be unable to enforce this.
4. The covenant referred to was written in 1852 and is not a planning matter. It should be noted that there are a high number of mature trees in this and other gardens in Seymour Road indicating that this part of the covenant has not been enforced.

### **Mrs Tarling:-**

1. Exclusion of light. The officer has visited Mrs Tarling to assess the amount of light loss. One of the two trees (T2 on the plan) shades a section of the garden for part of the day but it does not affect the light in the property itself. Mrs Tarling is concerned about a thick side branch that has grown off the side of the trunk into her garden (see photo 2). This part of the tree could probably be removed without affecting the overall amenity value of the tree. An application for this would be looked at favourably.
2. The amount of shading is not considered to be significant enough at this

stage to justify felling, although this can be reviewed as the tree grows (see photo 3).

In view of the above analysis, it is considered that the objections to Tree Preservation Order No.467 do not justify the Tree Preservation Order being removed from the trees in question. It is therefore recommended that the order is confirmed without modification.

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**Corporate Plan 2008-2011:**

Protecting trees enhances the quality of the City's environment by ensuring long-term tree cover. Trees help to reduce pollution and traffic noise providing cleaner air to breathe thereby helping to achieve the Council's corporate goal to create a healthy place to live and work and accords with its objective to improve health and wellbeing as well as creating a more attractive environment.

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**Implications for Medium Term Financial Plan and Resource Implications:  
Including finance, human, IT and land**

The protection of trees by a Tree Preservation Order is a routine exercise for Planning Services. There are no additional financial costs arising from the imposition and administration of the Order that are not included in existing budgets.

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**Other Implications: e.g. Section 17 Community Safety, Health and Safety etc:**  
None

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**Recommendations & Reasons for recommended action:** To confirm the order without modification. Reason: in order to protect important trees of high public amenity value.

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**Alternative options considered and reasons for recommended action:**  
*To confirm the order subject to modification:* this would involve removing one of the trees from the order. Of the two trees, T2 is the one that is causing more concern; more cracks in the tarmac drive and partly shades the neighbour's garden. If a choice had to be made between the two, T2 would be the one to remove from the order.

*To revoke the order:* without a Tree Preservation Order the trees could be removed or have inappropriate works carried out to them without any consent being required from the Local Planning Authority. This would result in the loss of amenity to the Conservation Area.

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**Background papers:**  
Tree Preservation Order No. 467.  
Letters of objection

**Sign off: Fin: KF DevF10110001**

<u>Fin</u>		<u>Leg</u>	<u>JAR/10/143</u>	<u>HR</u>	-	<u>L.P.</u>	-	<u>IT</u>	
<u>Originating CMF Member</u>					-		-		-