

CITY OF PLYMOUTH

Portfolio and Holder: Cllr. Ted Fry

CMT Member: Anthony Payne - Director of Development

Subject: Objection to Tree Preservation Order
No.474: 23 St Maurice Road, Plymouth

Committee: Planning

Date: 10th March 2011

Author: Jane Turner- Tree Officer

Contact: 4362

Ref: DC/T1/2/1

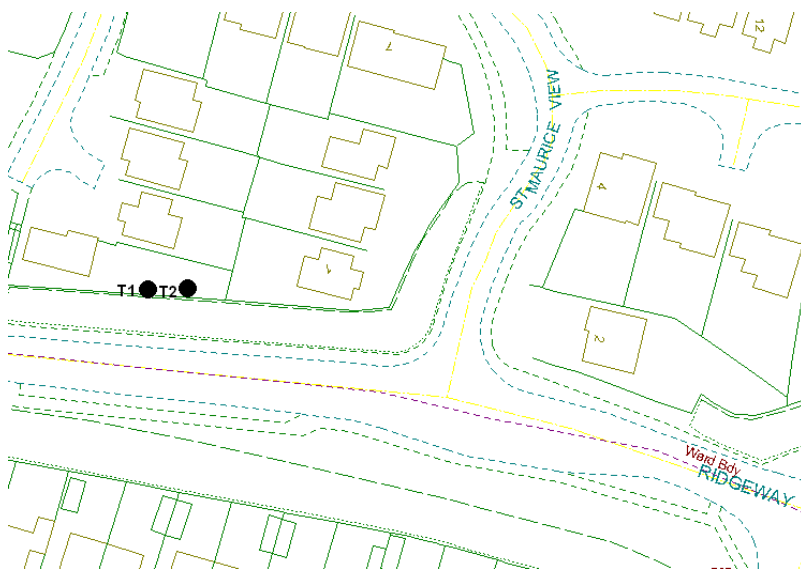
Part: I

Executive Summary

Background

Under delegated authority, on 12th October 2010, a Tree Preservation Order No.474 was made to protect 2 trees, a mature Maple and a Sorbus within the grounds of 23 St Maurice View, Plymouth. The owner was concerned about inappropriate pruning taking place to the Maple following issues with another tree in the garden (an Alder) that overhung another adjacent property – the latter tree, following advice from this department, has subsequently been removed. The Sorbus (T1) has high amenity value and is prominent along the Ridgeway frontage. It was therefore considered expedient in the interest of public amenity that a Tree Preservation Order (TPO) be made. We have received one objection to the making of the order from Mrs O'Flynn of 21 St Maurice View who is concerned that the Maple (T2) will not be maintained.

Location of trees shown in black





Objections

The main reasons for objection are summarised as follows and relate to T2 the Maple only (the full letter is available as a background paper):

Mrs O'Flynn, 21 St Maurice Road, Plympton, Plymouth-

- *The Maple needs to be cut back and maintained as it has nothing done to it since 2002 and is obviously growing larger every year. If the preservation order was placed then I feel it would be left to grow wild in an area that is far too small and unsuitable for a large tree in a residential garden.*

Comments of support

We have received an e-mail of support from the owner of the trees

Mrs Taylor – 23 St Maurice View e-mail

- *In the past neighbours have ignored the fact that there was a Planning Condition on the trees, and gone ahead and cut branches etc from the trees, without prior permission or discussion.*
- *Trees are beneficial to the environment, providing oxygen and absorbing carbon monoxide*
- *The Ridgeway Road, which runs adjacent to my property, helps as a buffer from the traffic and also has a street and amenity value, enjoyed by passing motorists.*
- *Finally, I enjoy the trees immensely and would like to protect them for future generations. With the felling of the Alder last year I have lost my privacy in the garden, and hope with the new growth of the Maple and Sorbus this will afford me some privacy.*

Analysis

The making of the Tree Preservation Order (TPO) on the Maple does not alter the fact that the owner remains responsible for the tree. An owner cannot be 'required' to prune a tree if it lies wholly in their garden whether there is a Tree Preservation Order in place or not. If it overhangs the objector's boundary then normally under Common Law the objector can trim back to the boundary line without the permission of the owner. The TPO does not prevent the objector from doing this as they can still apply under the TPO to cut back any branches that may overhang the property – the Council are not likely to refuse consent for works such as this.

The Tree Preservation Order does not seek to prevent sensible management of trees – the owner can still apply to have the tree pruned if it gets too large for the garden.

With respect to the comment that the area is too small for a large tree in a residential garden, this was discussed at an early stage with the owner of the trees. Prior to the TPO being made the garden contained the two trees the subject of the Tree Preservation Order and also a mature Alder. It was agreed that the presence of two mature trees in a garden of this size was probably not sensible in the long term and that the Alder should be removed. This has since been done creating more light and space in the garden. It is not considered that the area is too small to accommodate the Maple.

In view of the above analysis and e-mail of support, it is considered that the objections to Tree Preservation Order No.474 do not justify the Tree Preservation Order being removed from T2 the Maple as requested by the objector. It is therefore recommended that the order is confirmed without modification.

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.

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.

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

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

Alternative options considered and reasons for recommended action:
To confirm the order subject to modification: this would involve removing the Maple (T2) the subject of the objection from the order. Although the Sorbus is a fine

specimen, of the two trees, T2 is the tree that has the highest amenity value by virtue of its maturity. This is not therefore considered to be an acceptable compromise.

To revoke the order. without a Tree Preservation Order the Maple could have inappropriate works carried out to it without any consent being required from the Local Planning Authority. This would result in the loss of amenity to the local area.

Background papers:

Tree Preservation Order No. 474.

Letter of objection

E-mail of support

Sign off: Fin: DevF 10110055

<u>Fin</u>		<u>Leg</u>	JAR/11014	<u>HR</u>	-	<u>L.P.</u>	-	<u>IT</u>	
<u>Originating CMF Member</u>					-		-		-