

5 TREE PRESERVATION ORDER, 5 GREEN LANE CRESCENT, YARPOLE

Report By: Head of Planning Services

Wards Affected

Bircher

1. Purpose

To consider the representations made in relation to the making of a provisional Tree Preservation Order upon trees at 5 Green Lane Crescent, Yarpole and determine whether to confirm the order.

2. Order Description and Details

- 2.1 This Order concerns 3 individual trees within the rear curtilage of 5 Green Lane Crescent. They comprise:
T1 - Oak (*Quercus robur*)
T2 – Scots Pine (*Pinus sylvestris*)
T3 – Silver Birch (*Betula pendula*)

- 2.2 The Order was made on 19 March 2009

- 2.3 The Council's tree amenity valuation rating scored these individual trees with values at 18, 18 and 17 respectively. The benchmark rating for inclusion within a TPO is 15. Their particular characteristics included – their height in relation maturity, form, prominence and suitability.

- 2.4 The reasons for making the order were:

“The trees within the order are considered to contribute to the amenity and character of the settlement of Yarpole, the boundary between the settlement and open countryside, the setting of properties and the general street scene of Green Lane Crescent. The Council considers it expedient to protect these trees and the contribution they make to the quality of the area as a precautionary measure in response to information relating to their possible felling”.

3. Background

- 3.1 A local resident alerted the Council to the possible threat of felling to one of the trees (oak) and an inspection was carried out to ascertain the importance. The assessment identified three trees within the curtilage as being worthy of protection. The inclusion of the three trees was considered expedient in order to ensure ongoing arboricultural content and quality within the vicinity.
- 3.2 The Order was made under emergency procedures in accordance with section 198, 201 & 203 of the Town and Country Planning Act 1990.

4. Policies

- 4.1 Herefordshire Unitary Development Plan sates:-

“Policy LA5 Protection of trees, woodlands and hedgerows

The enhancement and protection of individual trees, tree groups, woodlands and hedgerows will be secured by:

1. Placing Tree Preservation Orders where necessary on trees, groups of trees and woodlands of amenity value, and making use of hedgerow protection legislation;
2. Resisting proposals that would cause loss or damage to trees, hedgerows or woodlands which are worthy of retention. In particular proposals affecting protected trees will be subject to rigorous examination and only permitted where the development is in the public interest. Where the felling of protected trees is accepted replacement planting will be sought;”

5. Representations

- 5.1 The owners of the tree are concerned about the height of the oak tree, its proximity to their house and that of their neighbour, the shading effect it has on the property including the extent to which it covers their rear garden. The branches also overhang their neighbour’s roof. They also refer to problems relating to acorns that stop grass from growing and the need to clear them and disposal. They are also concerned about the potential for root problems that might undermine their house and their neighbours, including any resultant liability.
- 5.2 A letter of objection has been received from S and R Harrison of 7 Green Lane Crescent, Yarpole. The objection refers to problems resulting from the large amount of leaves dropping, including the potential danger from pathways becoming slippery where they fall. They also refer to the owner’s intention to replace the oak tree with a more appropriate alternative. In addition Mr R Shaw of 3 Green Lane Crescent advises that he would have no objection to the complete removal of all or any of the trees covered by the Order
- 5.3 P J Jennings and Associates express belief on behalf of an undisclosed client that the oak tree is a fine specimen and most worthy of saving.

6. Officer Appraisal

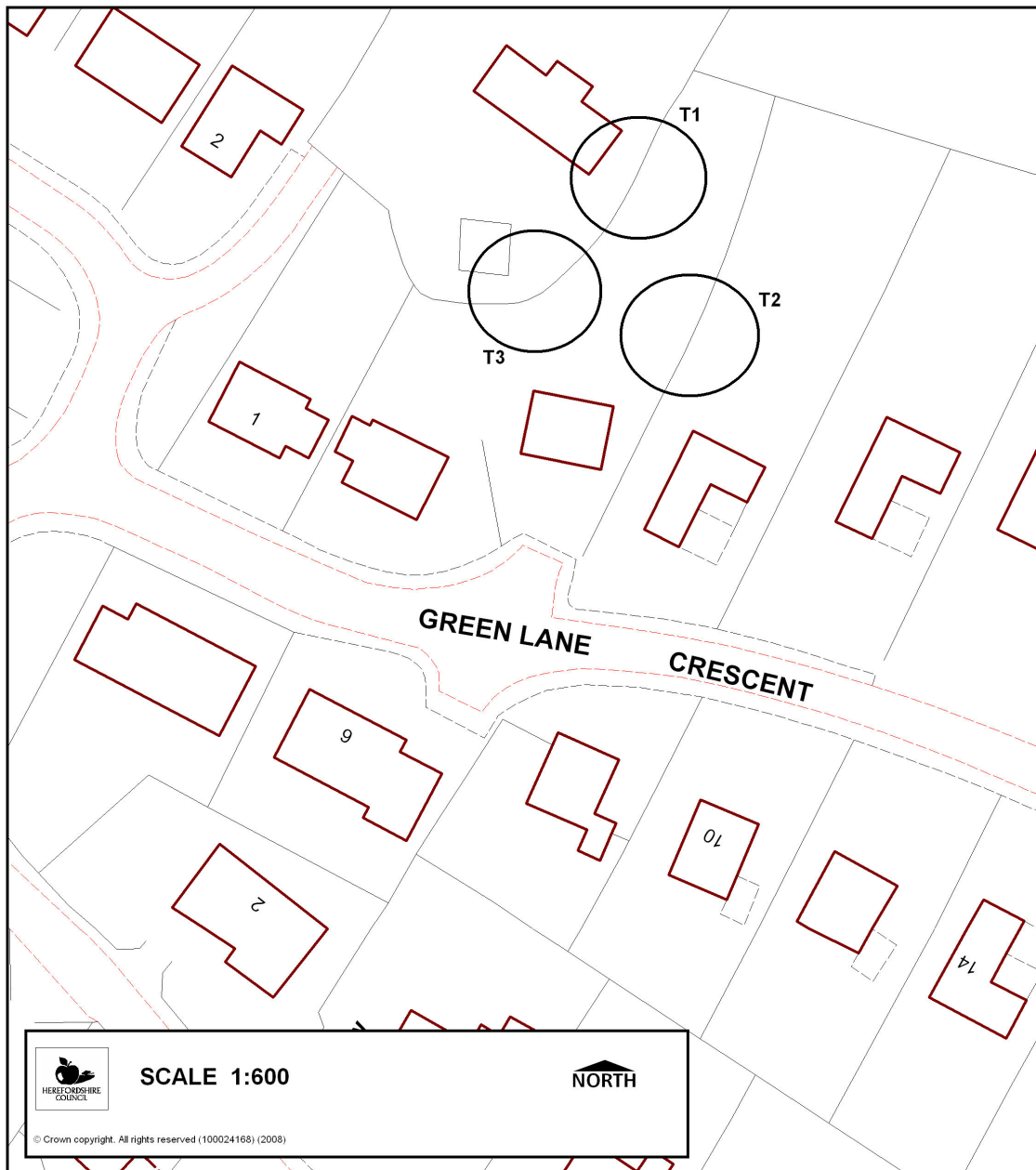
- 6.1 Although the trees proposed for protection are located to the rear of the property they are prominent. They are of good form. The oak and Scots Pine have a long life expectancy of over 100 years. The Silver Birch of between 15 and 40 years.
- 6.2 The site containing the trees is located to the north west of the village of Yarpole, outside the historic core and Conservation Area, in a cul-de-sac of detached single and two storey dwellings. The surrounding landscape is of gently undulating mixed agricultural character with numerous dense hedgerows and hedgerow trees. The garden of 5 Green Lane Crescent – part of a mid 1970s extension to the settlement – backs onto open countryside. While the landscape contains a number of significant trees and other vegetation, the boundary between the housing estate and countryside at this point is sensitive to change, and particularly ‘domestication’. Within this context the trees are considered to make a significant contribution to the public amenity of the area, in particular the street scene, and are in good general health and condition. They are also important in terms of mitigating the effect of development on the boundary between the settlement and open countryside.
- 6.3 In relation to the objections there must be an acceptance that a degree of inconvenience be accepted in order to ensure trees are retained for the benefit of local amenity. Case law suggests that leaf litter and fruit fall form part of ‘normal household maintenance’. In addition, should this principle not be accepted then there would be a significant loss of trees within settlements and the harsh outline of buildings will dominate to an even greater extent. This is particularly important along the edges of our villages where there is a need for native trees to

mitigate the impact of modern development. There is no indication that the levels of leaf or fruit drop on properties are higher than normal levels.

- 6.4 It should be possible to mitigate the impact of some shading and overhang on to the neighbour's roof by works agreed through the application process. The owners have made an application to do works to the oak tree, and permission has been granted to a crown lift the tree to 8m above ground level and remove some secondary branches, which should reduce the impact on the property and garden.
- 6.5 There is no evidence that roots are causing any structural problems to either the owners' property or that of their neighbours. Should it arise an application for works to trees covered by a TPO to seek a solution to this matter can be submitted.
- 6.6 There is no right of appeal against the confirmation of a Tree Preservation Order. Application can be made to do works to any of the trees under the Order and if the Council refuse this then the applicant can appeal to the Secretary of State.

RECOMMENDATION

THAT Tree Preservation Order at 5 Green Lane Crescent be confirmed without modification.



TREE PRESERVATION ORDER

GRID REFERENCE: 346746 265068

OS REFERENCE: SO4626

LOCATION DESCRIPTION: 5 Green Lane Crescent,
Yarpole,
Herefordshire, HR6 0BQ

PRINTED DATE:

AUTHORISED OFFICER:

COUNCIL SEAL