Planning Committee: 15 September 2015 **Item Number:16**

Application No: TPO 491

Registration Date:

Town/Parish Council: Kenilworth **Expiry Date:**
Case Officer: Rajinder Lalli

Land adjacent 29 Dencer Drive Kenilworth Warwickshire
Confirmation of Provisional Tree Preservation Order relating to 1 Oak tree

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This Tree Preservation Order (TPO) is being presented to Committee because an objection has been received to it being confirmed

RECOMMENDATION

Planning Committee are recommended to authorise officers to confirm TPO 491 without modification.

BACKGROUND

A Planning application was received on 19 May 2015 for the erection of a two storey side extension at 29 Dencer Drive, Kenilworth.

A site visit by the Planning Case Officer revealed a mature Oak tree immediately adjacent the site.

The application was made invalid awaiting a tree survey from the applicant. To date no tree survey has been received.

ASSESSMENT

The mature Oak Tree sits within a hedgerow that forms the eastern boundary of 29 Dencer Drive Kenilworth and the neighbouring area of open space.

The tree is highly visible from the street scene and is therefore considered to significantly contribute towards the visual amenity of the immediate area.

The tree was assessed using the Tree Evaluation Method For Preservation Orders (TEMPO). The assessment did not indicate there was evidence of structural weakness or disease.

The application for the proposed two storey development means that there is a foreseeable risk to the tree with the proposed development within the Root Protection Area (RPA) and below its canopy.

No tree survey has been submitted to show how the development can be constructed or altered in such a manner to protect the tree.

OBJECTION

The Council received an objection to the making of the Order 6th July 2015 from the property owner immediately adjacent the tree (the Planning applicant), stating the following:-

1. The TPO will prohibit the construction of the extension because of its enhanced protection to the tree.
2. They have had professional pruning and removal of ivy from the tree carried out as they value the tree. Removal of new ivy growth is carried out by them.
3. In considering the design of the extension the welfare of the tree was considered and they submitted an application on that basis.
4. The purpose of the planning application is to improve the upstairs accommodation so that their elderly mother can stay.
5. Given the nature of the plot, there is no other alternative place for the extension to achieve the same benefits.

KEY ISSUES

The key issues to be addressed in deciding whether or not to confirm the Tree Preservation Order are whether the tree is of sufficient amenity importance to justify a TPO, and whether the public benefit afforded by the tree outweighs any private inconvenience experienced by individuals because of the tree.

As set out in the introduction, the tree is considered to be of significant amenity value within the surrounding area.

The planning application form did not indicate (section 7) how the trees would be affected by the development. No tree survey has been submitted to show method of construction that would protect the tree from the development or during construction. It is therefore considered there is a foreseeable threat to the tree.

The effect of the TPO is to bring future work to the tree under the Council's control. It will also ensure measures are taken to protect the tree from future development that may affect the tree.

SUMMARY/CONCLUSION

It is not considered the issues raised in objection to the TPO are sufficient to outweigh the significant amenity contribution which the tree makes to its surrounding area.