



Report of the Head of Planning and City Regeneration

Planning Committee - 9th April 2024

Provisional Tree Preservation Order TPO 691

Rectory Cottage, Ilston. (2023)

To consider the confirmation, as a full Order, of the provisional Tree Preservation Order TPO 691, Rectory Cottage, Ilston. (2023)

Recommendation:

That the Tree Preservation Order TPO 691 Rectory Cottage, Ilston. (2023) be confirmed without modification.

For Decision

1. Introduction

- 1.1 The provisional Order was served on 19th December 2023 and protects one hornbeam tree.
- 1.2 The order was made following the receipt of a Section 211 notice of the owner's intent to fell the tree which stands in the Ilston Conservation Area (2023/2447/TCA).
- 1.3 Protecting trees subject of a Section 211 notification with a TPO is the only means of control the Council has if it is thought the removal of the tree would be harmful to the conservation area.

2. Objections and representations

- 2.1 Two letters expressing objections have been received within the minimum required consultation period.
- 2.2 Objection 1 is summarised below; the full objection is reproduced in the Appendix:
 1. The tree would cause damage to the house if it fell and branches are within six foot of the property;
 2. Falling leaves and catkins block the gutters;

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3. Falling leaves and catkins require cleaning from the lawn and footpath;
4. In summer the tree shades the southern end of the property and causes algae growth;

2.3 Objection 2 is summarised below:

1. The tree would cause damage to the house if it fell, other trees close by have previously fallen;
2. The tree does little to add to the amenity of the area;
3. The tree will be replaced with two small saplings.

3. Appraisal

Objection 1

- 3.1 During the site visit there was nothing to suggest that the tree is likely to fall over. If a defect is identified the tree owner or neighbour can apply to either remove or prune the tree. Healthy trees can fall without prior warning in extreme weather events, but to remove trees for this reason would cause harm to the environment and the local amenity.
- 3.2 Problems with falling leaves and catkins are part of the natural process associated with trees. Acceptance of these problems are considered the necessary trade-off for enjoying the benefits such trees provide to all. Gutter guards can be used to lessen the short term problems.
- 3.3 Problems with falling leaves and catkins are part of the natural process associated with trees. Acceptance of these problems are considered the necessary trade-off for enjoying the benefits such trees provide to all. Clearance of paths is not considered an onerous task when considering the contribution the tree makes to the wider society.
- 3.4 Problems with shading is part of the natural process associated with trees. However, the tree only shades a small area of the property. Algae build up on the wall can be treated periodically to improve aesthetics.

Objection 2

- 3.5 During the site visit there was nothing to suggest that the tree is likely to fall over. If a defect is identified the tree owner or neighbour can apply to either remove or prune the tree. Healthy trees can fall without prior warning in extreme weather events, but to remove trees for this reason would cause harm to the environment and the local amenity.
- 3.6 As can be seen from Google Street view below the tree is a prominent feature in the street scene. Footpath IL10 also passes in front of Rectory Cottage. Therefore the tree is considered to have significant amenity value. When assessed using the standard TPO scoring system 'TEMPO' the tree had a score of 19 where a score in excess of 16 'Definitely merits TPO'.



Image from Streetview, tree indicated by yellow arrow.

Summary

- 3.7 The tree covered by the Order provides considerable visual amenity to the area.
- 3.8 Most of the reasons given for the objections are due to natural processes. The problems experienced are not considered to outweigh the contribution the tree makes to the local area.

4. Recommendation

- 4.1 That the Tree Preservation Order TPO 691 Rectory Cottage, Ilston. (2023) be confirmed without modification.

Contact Officer: Alan Webster

Appendix

Objection 1, from the neighbour, dated 17/01/24

We wish to object to the proposed TPO Order ref: TPO 691.

The tree in question is within 20ft of our house on neighbouring land and within 6ft of touching our property.

The tree presents a nuisance and concern to us for the following reasons:

It is already a very large tree, some 40ft high and with a very large span. If it was to fall in our direction it would certainly cause damage to our property and, given it is next to our main entrance foot path, could cause serious injury to ourselves and visitors. The branches of the tree are already within some 6ft of touching our property.

It presents a significant ongoing maintenance issue for us with catkin seeds and falling leaves blocking our guttering. The prevailing wind brings the bulk of the catkins and leaves towards our property. The gutters require regular cleaning - at least seven/eight times a year, which is not easy for elderly residents working off ladders in somewhat confined spaces. We have tried various means to keep the catkins and leaves from blocking the guttering but nothing has been successful. The catkins are a particular nuisance in this regard given the volume that fall. When the tree was small, this presented less of an issue but each year as it expands in size it becomes a more significant problem, and one that will increase year on year the larger it grows. We get anxious each year during catkin and leaf fall periods.

The falling leaves and catkins also cover our lawn and entrance foot path, again requiring frequent regular clearing to prevent slips and falls, which becomes a daily task during the main periods of catkin and leaf fall.

During summertime, when the tree is in full leaf, it obscures sunlight from the southern end of our property and, given the damp environment in which we are situated with a nearby river, the shade it casts encourages algae growth on the house walls which requires regular treatment. Full leaf of the tree also limits the use and enjoyment we get from our entrance garden area, that area between our house and our neighbour's property.

In our opinion, it is the wrong tree for the location. When it was planted by the former neighbour, I am confident that he did not appreciate the extent to which the tree would grow and the degree of concern and nuisance it would cause to us. To remove the tree, in our opinion, would not cause detriment to the environment or local community. We live in an area where we are surrounded by trees and woodland which we appreciate and value. Like our neighbour, we would be prepared to plant replacement trees in more

appropriate locations on our property so that there is no loss of amenity to the community.

We urge you therefore to allow this tree to be removed.

Objection 2, from owner, dated 17/01/24

I wish to object to the above TPO on the following grounds.

1. The hornbeam tree has still to mature and currently stands approx forty feet tall, half of its estimated height and will surely very soon be overhanging my neighbours property, Ilston Green. Even now should the tree fall, severe damage will occur to their property. As evidence of storm damaged trees within 20m of this Hornbeam (all downed within the last 3 years), I attach a plan. These downed trees are still there and demonstrate that large trees in Ilston seem to be vulnerable to wind. Even now my neighbour spends a great deal of time maintaining his property as a result of tree debris falling onto his roof.
2. Aesthetically, this Hornbeam can only viewed from standing directly in front of it. It cannot be seen from either end of the road entry into the village and as such does little to add to the amenity of the area.
3. I fully intend to replace this Hornbeam with two new ones (each nine feet tall), located in a more sensible position in my garden. I happy to plant these before the Hornbeam is felled.

ONE HORNBEAM, RECTORY COTTAGE, ILSTON
TO SHOW LOCATION OF X2 NEW 9' HORNBEAM TREES

