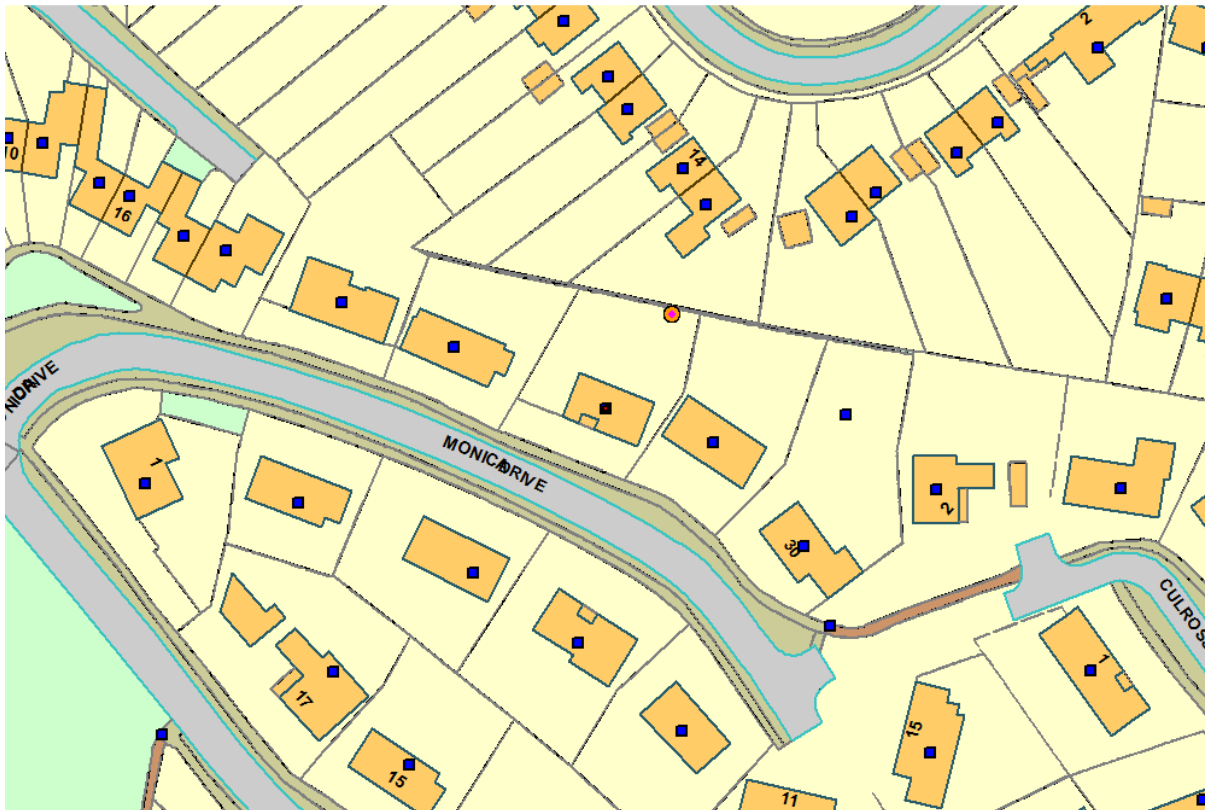


<b>APPLICATION NO:</b> 15/01078/CONF	<b>OFFICER:</b> Mr Chris Chavasse
<b>DATE REGISTERED:</b> 18th June 2015	<b>DATE OF EXPIRY:</b> 18th December 2015
<b>WARD:</b> Pittville	<b>PARISH:</b>
<b>APPLICANT:</b> Mr A Phipps	
<b>AGENT:</b> n/a	
<b>LOCATION:</b> 26 Monica Drive, Cheltenham	
<b>PROPOSAL:</b> Confirmation of Tree Preservation Order 15/00725/TREEPO Holm oak to the rear of property	

**RECOMMENDATION:** Order is Confirmed

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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Confirmation of a Tree Preservation Order of a holm oak in rear garden of 26 Monica Drive.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Residents Associations

### Relevant Planning History:

15/00875/TPO 18th May 2015 PER

Holme Oak - 3m lateral reduction over 12 Cleavelands Avenue

## 3. POLICIES AND GUIDANCE

**GE5** - The council will resist the unnecessary felling of trees on private land and will make Tree Preservation Orders when appropriate.

## 4. CONSULTATIONS

### Cheltenham Tree Group

24<sup>th</sup> April 2015

We fully support the protection of this fine tree which has considerable amenity value”.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	6
Total comments received	2
Number of objections	1
Number of supporting	1
General comment	0

- 5.1 No site notices were erected and no representations were received

### 5.2 Comments Received

On 14<sup>th</sup> May 2015 12 Cleavelands Avenue (neighbour most affected by this tree) objected to this TPO. A synopsis of his objection reads:

- 1) Public visual amenity of the tree is currently severely limited now and in the future.
- 2) The tree will grow to become a disproportionate size for it's location.
- 3) Tree does not have rarity, cultural or historic value and it's continued growth will have a detrimental impact on adjacent vegetation by casting shade.
- 4) The tree's visual amenity is mostly restricted to adjacent residents.
- 5) The tree is not within a Conservation Area.
- 6) The tree falls outside TPO Guidance Regulations contained within Planning Portal.
- 7) There is no intention to remove the tree the neighbour merely wants to manage future growth.
- 8) The presence of the tree has a detrimental impact on the newly created insect loving garden.

On May 13<sup>th</sup> 2015 the tree owners responded to the receipt of the TPO offering gratitude for it's newly created protection. Prior to the serving of the TPO the owners contacted officers concerned that the neighbour wanted to cut down the tree. They considered the tree as the most attractive feature of their garden and much admired by a succession of neighbours. They consider it a privilege to have a beautiful tree in their garden and deem it their responsibility to look after it.

## 6. OFFICER COMMENTS

- 6.1 Determining Issues:** This tree has significant current and future visual amenity within the local environment. The tree owners have cherished it's presence (for nearly 50 years-as long as they have lived at this property), however the neighbour living in 12 Cleavelands Drive has not. A Tree Evaluation Method for Preservation Orders was undertaken and the tree was scored by Trees Officers as "Definitely merits a TPO".
- 6.2 The site and its context:** The tree is situated within the rear garden of a cul de sac but nevertheless it's canopy can be seen from the highway in Monica Drive and Cleavelands Avenue.
- 6.3 Design and layout:** The tree is considered to be in proportion with the rear garden of 26 Monica Drive.
- 6.4 Impact on neighbouring property:** Following an application to reduce the size of the crown overhanging 12 Cleavelands Avenue, there is practically no further scope for further pruning by the neighbour under common law (ie without the owner's permission). The tree now casts considerably less shade than previously and Officers would consider applications for future crown management to retain the tree at it's current size. This has been communicated to the neighbour during discussions prior to formal objection.
- 6.5 Sustainability:** This tree species tolerates pruning well and can be managed into old age providing the quality of tree work conforms to the British Standard for Tree Work (BS 3998 2010).
- 6.6 Other considerations:** Section 198(1) of the Town and Country Planning Act, 1990 states that LPA's can make a TPO if it appears to them to be "expedient in the interests of amenity". Amenity is not defined in law and as such judgement is required when it is appropriate to make a TPO.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1** Trees Officers recommend that this TPO is confirmed.