

From: Tree Section (CBC) <[Trees@cheltenham.gov.uk](mailto:Trees@cheltenham.gov.uk)>

Sent: 05 September 2022 14:19

To: [REDACTED]

Cc: Sam Reader <[Sam.Reader@cheltenham.gov.uk](mailto:Sam.Reader@cheltenham.gov.uk)>

Subject: RE: Re: Tree preservation orders

Dear [REDACTED]

Many thanks for the email.

I will try to address your objections in the order you write them:

- Indeed there is no public access to the trees. However the crowns of the trees can be seen from a distance and as such there is some public amenity. Similarly, many flats within Hill Court House and also your neighbours back onto the trees – they will enjoy the visual amenity provided by these trees. They certainly add to the arboricultural “fabric” to the area. In summer months they provide a screen to the large tarmac car park to the rear of Hill Court.
- They are not rare trees but I would argue they do have cultural and historic value. The planting of chestnuts and holm oak are synonymous with Regency tree planting. The protected pear tree would likely have been planted as a part of a larger domestic garden planting scheme when Hill Court was still a single dwelling and would have provided fruit for perry or fruit for the house.
- The trees are not in a Conservation Area and as such were vulnerable to complete removal without recourse to this council. Now that they are protected, formal council permission is required prior to pruning or felling.
- The chestnut trees are suffering from a newly introduced pest-horse chestnut leaf minor. At this time of year, their crinkled brown leaves reduce the amenity. However, next spring they will put forth new leaves and flowers. Again, as the year progresses, the leaf minor will dehydrate the leaves. If all fallen leaves are removed from site, the following year the tree will not suffer nearly so much as a result of this moth activity (It overwinters in the leaf litter). Otherwise, the trees appear to be in a normal condition for trees of their maturity.
- If it is demonstrated that the trees are in an unacceptably unsafe condition, this council would not likely refuse their pruning or if necessary removal. You have a common law right to prune that portion of the trees which overhangs your property boundary (upon receipt of formal CBC permission). Permission is not required to remove dead wood from the canopy.
- It may be that an application to undertake modest pruning to make the trees smaller and therefore less likely to fall or shed limbs may be permitted.
- Not being an engineer, I cannot comment on the cause of the current structural condition of your garage and tarmac parking area. It may be worth your while to inform your household insurer and they would likely make a formal investigation by somebody appropriately qualified. If it is deemed that it is the cause of the trees and there is no other reasonable solution, the trees could be pruned or removed-whichever is most appropriate. Your insurer will know the correct procedure to follow and would likely contact the owner of Hill Court in the first instance.

AS such the placing of formal protection on the trees does not change much on a practical level. It merely requires formal permission to be achieved prior to pruning or removal. We try to be understanding and empathetic to applications to prune. There is no council charge to submit an application to prune or fell and a formal response is normally sent out from this council within 3-4 weeks upon receipt of the application.

With this in mind, please could you state whether you are now prepared to withdraw your formal objection.

If you decide to maintain your objection, we will bring the decision to confirm (or not) the TPO to Planning Committee for a decision.

Do not hesitate to contact me to discuss.

Kind regards  
Christopher Chavasse  
Senior Trees Officer  
Cheltenham Borough Council  
Place and Growth  
Municipal Offices  
Promenade  
Cheltenham  
Glos GL50 9SA

Tel 07769877059

From: [REDACTED]  
Sent: 04 September 2022 13:16  
To: Tree Section (CBC) <[Trees@cheltenham.gov.uk](mailto:Trees@cheltenham.gov.uk)>  
Subject: Fwd: Re: Tree preservation orders

You don't often get email from [REDACTED] [learn why this is important](#)

Trees Officer  
Head of Planning (Trees Section)  
Cheltenham Borough Council  
Box 12 Municipal offices  
Promenade  
Cheltenham GL50 1 PP

Dear Sir

**Subject: Trees at Hillcourt - Tree Preservation Order**  
**Single tree T5.1 horse chestnut tree to the north of the property**  
**Single tree T6.1 horse chestnut tree to the north of the property**

My name is [REDACTED] I am the freehold owner and occupier of 4 Lexington Square, which lies immediately to the north of both of the above trees.

I object to tree preservation orders being made in respect of the above trees.

My objection is made on the following grounds:

- There is no public access to the land on which the trees are situated; therefore, there is no public amenity.

- Moreover, the trees cannot be seen by the public at all; therefore they give no public benefit in the present or future.
- They are not rare trees.
- They are not trees of any cultural or historic value.
- The trees are not in a conservation area.
- The trees do not appear to be healthy; they appear to suffer from leaf blight. In light of that concern, could you please confirm whether the trees have been inspected by a qualified person, to understand their overall condition?
- In recent years, large branches have cracked and fallen from both trees, which affects my safety as the occupier of the adjoining land; I am 78 years old, and so that does cause me concern. Work is likely to be needed in the near future to prevent further branches from damaging my carport and garage, and in the absence of any public amenity whatsoever, it would be disproportionate and onerous to impose the conditions of a TPO on any such works.
- As well as the issue with the branches, the roots of both trees have already caused my tarmac to ridge considerably, and large cracks to the render of my garage are also likely to have been caused by subsidence, due to the high water intake of the root systems of the two trees.
- Again, in the absence of any public amenity whatsoever, it would be disproportionate and onerous to impose a TPO, which would greatly complicate any lopping or pollarding work I may need to have done in order to preserve the integrity of my land and buildings.

I attach 7 photographs, showing the trees as seen from my land, including photographs of the ridged tarmac and cracked render.

If you require any additional information from me, in order to consider my objection fully and properly, please contact me at [REDACTED]

Thank you.

[REDACTED]  
4 Lexington Square, Cheltenham GL52 3LT

On 19 Aug 2022, at 11:10, [REDACTED] wrote:

Trees officer  
Head of Planning (trees section)  
Cheltenham borough Council  
Box 12 Municipal offices  
Promenade  
Cheltenham GL50 1 PP

Dear Sir

Trees at Hillcourt tree preservation order 2022  
Single tree T5 1 horse chestnut tree to the north of the property  
Single tree T6. 1 horse chestnut tree to the north of the property

I object to tree preservation orders being put on the above trees.

There is no public access to the land on which the trees are situated therefore there is no public amenity. They cannot be seen by the public. They give no public benefit in the present or future.

They are not rare trees and are of no cultural or historic value.

They are not in a conservation area.

I believe they are not healthy trees as they appear to suffer from leaf blight.

Has an inspection by a qualified person been made to understand the overall condition of the trees and their safety as quite large branches have blown off.

I fear work may need to be undertaken in the near future to prevent branches damaging my carport and garage. The roots from the trees have caused my tarmac to ridge considerably and I believe cracks in the render of my garage are caused by subsidence due to the trees.

A TPO would greatly complicate any work I may need to have done to the overhanging branches of the trees causing me unnecessary stress

Sent from my iPad