

EXETER CITY COUNCIL

PLANNING COMMITTEE 6 SEPTEMBER 2010

OBJECTIONS TO TREE PRESERVATION ORDER NO. 621 (BRIDGE END, 39 ELM GROVE ROAD, TOPSHAM, EXETER) 2010

1. PURPOSE OF REPORT

- 1.1 This report gives details of an objection that has been received by the Council to Exeter City Council Tree Preservation Order No. 621 (Bridge End, 39 Elm Grove Road, Topsham, Exeter) 2010. The Committee is requested to determine whether to confirm, modify or refuse to confirm the Order. If an Order is confirmed (with or without modification) the protection that it provides becomes permanent but if it is not confirmed it ceases to have effect.

2. BACKGROUND

- 2.1 Tree Preservation Order No. 621 protects a Douglas Fir tree in the front garden area of Bridge End, 39 Elm Grove Road, Topsham, Exeter.
- 2.2 Tree Preservation Order No. 621 was made following the receipt of a Section 211 notification to fell the tree.
- 2.3 The Order was signed on 17 June 2010 and remains in force for a period of six months. If the Order is confirmed the protection becomes permanent, if the Order is not confirmed it ceases to have effect.

3. POINTS RAISED BY OBJECTORS

- 3.1 Three letters of objection have been received, one from the owner of the property and two from the neighbouring properties.
- 3.2 The objection from the owner can be summarised as follows:
- It casts huge shadows over the house and garden and neighbours.
 - Estimated to be 80ft tall. Douglas Firs in Scotland reach over 200ft tall and could exceed that in the warm Devon climate.
 - Canopy so large that branches hang over roof of extension and garages on other side.
 - It sheds large amount of needles which block gutters, downpipes and drains. Cellar had 1½ inches of water in it due to blockages.
 - It is possible that roots have reached the cellar as there are cracks appearing in the walls.
 - Douglas Firs are shallow rooted which is why they are planted in groups. The windage (exposure to wind) from the tree is massive and will continue as tree grows taller. If it fell the chance of damage to property is inevitable and loss of life possible.
 - It sheds branches large enough to damage property and a branch has gone through neighbouring garage roof in recent years.

- Do not consider it to be of high amenity value. It is not of amenity value to local wildlife.
- A replacement tree would be planted if permission is given to fell the tree.
- Tree sticks out like a sore thumb, has been crown lifted and topped.
- It is not a native species.

The objections from the neighbouring properties reiterate the ones from the owner.

3.3 The objection is supported by a letter written by Mr D Hughes a Chartered Engineer. The letter clearly states no detailed investigations were undertaken regarding the relationship between the tree and the adjacent property, with regard to any implications the tree may or may not have on the alleged damaged to the property some 10m distant. The letter inexplicably concludes “the visible damage to the fabric of the extension is most likely due to the physical growth of the trees root”. It is the Council view that such a statement cannot be considered credible without proper and robust investigations being undertaken.

3.4 In addition to the above, a letter from Mr S Wreford of Clyst Tree Care has been submitted. The letter confirms the tree is in good health. It makes a generic statement regarding Douglas fir trees that they tend to drop branches in high winds and weakness can develop around old pruning cuts. The above statements are correct and apply to any tree, the statements in no way justify the removal of the tree.

4. OBSERVATIONS

- 4.1
- The property stands within a large plot, while the tree cast shadows during the day over various parts of the garden, the size of the garden ensures a large proportion is always unaffected by shade at any given time.
 - There is no possibility of the tree reaching or exceeding the height of 200ft owing to the exposed nature of the site.
 - The council would not refuse any reasonable request for tree work in the interest of safety, or where direct damage is occurring as a result of increment growth of the tree.
 - All trees discard leaves and other debris as part of their natural processes, therefore a tree cannot be excluded from a Tree Preservation Order for this reason.
 - No evidence has been provided that the roots have reached the cellar.
 - No evidence has been provided that the tree is unstable.
 - The tree has a high amenity value being visible from the surrounding area and roads.
 - If the Order is not confirmed the Council cannot enforce the planting of a replacement tree.
 - A non-native tree can provide significant amenity benefits and therefore the source of origin provides no justification for its removal.

4.2 Members at the Southern Area Working Party on 18 August were not convinced of the contribution the tree makes to public amenity and did not support confirmation of the Order.

5. RECOMMENDATION

- 5.1 It is recommended that the Order be confirmed.

**RICHARD SHORT
HEAD OF PLANNING AND BUILDING CONTROL**

ECONOMY AND DEVELOPMENT DIRECTORATE

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling this report:

1. Council to Exeter City Council Tree Preservation Order No 621 (Bridge End, 39 Elm Grove Road, Topsham, Exeter) 2010