

EXETER CITY COUNCIL

**PLANNING COMMITTEE
8 DECEMBER 2008**

**OBJECTIONS TO TREE PRESERVATION ORDER NO. 585
(8 ST LEONARDS ROAD, EXETER)**

1. PURPOSE OF REPORT

- 1.1 This report gives details of objections that have been received by the Council to Exeter City Council Tree Preservation Order No. 585 (8 St Leonards Road, Exeter). 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. This item was on the agenda of the two previous Planning Committees but was deferred. The report has been updated, Members can ignore previous reports.

2. BACKGROUND

- 2.1 Tree Preservation Order No. 585 protects one Yew tree growing within the front garden of 8 St Leonards Road.
- 2.2 The tree was originally protected by Exeter City Council Tree Preservation Order 314 (2001). This order was revoked on 12 June 2006 during a review of existing Tree Preservation Orders when it was discovered the Order had not been confirmed.
- 2.3 Tree Preservation Order 585 was made following receipt of application 08/0725/06 notifying the Council that the tree was to be felled. The applicant cited damage to a low retaining wall and gate pillar as reasons to remove the tree.
- 2.4 The Order was signed on 10 April 2008 and remains in force for a period of 6 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 THE OBJECTORS

- 3.1 Four letters of objection have been received.
- 3.2 The objections can be summarised as follows:
- The tree will continue to cause damage to the wall at 8 and 10 St Leonards Road;
 - The tree is ugly and gloomy;
 - The tree is out of scale with the small front garden in which it stands;
 - The cost of rebuilding the wall while retaining the tree is excessive.

4. POINTS RAISED BY THE SUPPORTERS

- 4.1 One letter of support has been received it can be summarised as follows:
- The wall could be rebuilt without removing the tree;
 - The tree is healthy and attractive and poses no danger.

5. OBSERVATIONS

- 5.1 The Yew tree may date from the Victoria period when the road was originally developed. A number of homes have or had Yew trees in the corner of gardens. 10 St Leonards Road is a listed building, however its wall is of post war construction and does not positively contribute to the setting of the listed building.
- 5.2 A boundary wall and gate pillars about 1m high are located within the front garden of number 8 and 10 St Leonards Road adjacent to the Yew tree protected by Tree Preservation Order 585. The section of wall to No. 8 is rendered, that to No. 10 has a dentillated top. The gate pillar owned by No. 8 St Leonards Road has become unstable and has now been pushed over to avoid it collapsing onto the pavement. The walls of both properties within this area are distorted, both the distortion of the wall and the damage to the gate pillar are considered to have been caused by the tree.
- 5.3 A second wall about a metre high is located along the remaining front boundary of No. 10 St Leonards Road, this wall is separated from the wall adjacent to the Yew tree by a gate way. The wall is leaning along its entire length towards the pavement and has two large cracks in the middle section. The cause of the lean and cracks seems unlikely to be directly attributed to the Yew. A Eucalyptus tree was removed from the far corner of the garden and a car collided with the wall in the past.
- 5.4 Owing to the condition of the wall adjacent to the Yew tree it requires removing now or in the near future. A cost has been obtained of approximately £1,995 to rebuild the existing wall on a pile and beam foundation. This type of foundation is considered sufficient to prevent damage to the wall in the foreseeable future. The wall could be rebuilt on existing foundations at a lesser cost however damage to the wall in the medium term may occur unless the tree was removed. The quote has been obtained of £540 plus vat to remove the tree.
- 5.5 During a recent site visit alternatives to rebuilding the wall were discussed including the use of railings, rebuilding a significantly lower wall, or not replacing the section of wall owned by 8 St Leonards Road.
- 5.6 The tree is mature, in good condition, forming a prominent feature within St Leonards Conservation Area. It has significant visual amenity value and is in scale with its setting. The loss of the tree would be of considerable detriment to public amenity and the street scene.
- 5.7 The Council's Conservation Planner considers the loss of the tree would be regrettable as it makes a positive contribution to the character and appearance of the Conservation Area; and makes a positive contribution to the setting of the nearby listed buildings. The wall is considered modest in appearance and less significant than the tree.

6. AREA WORKING PARTY

- 6.1 Western Area Working Party raised no issues.

7. RECOMMENDATION

- 7.1 While the tree is causing problems in relation to the wall that will lead to property owners incurring additional cost, the tree has amenity value and is in a Conservation Area. Removal is considered disproportionate to the problems that it poses.
- 7.2 It is recommended that the Order be confirmed without modification.

**RICHARD SHORT
HEAD OF PLANNING SERVICES**

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. 585 (8 St Leonards Road, Exeter), 2008.