

23/00063/TORDER

Objector Mr David Carter

Location 42 Wilford Lane, West Bridgford, NG2 7RL

Objection To the West Bridgford No.1 Tree Preservation Order 2023

Ward Compton Acres

THE SITE AND SURROUNDINGS

1. The Tree Preservation Order (TPO) protects a flowering Cherry tree on the roadside frontage of 42 Wilford Lane. The property is a large, detached dwelling that has parking provision to the north of the house and a garden to the south. Apart from the Cherry the other trees in the garden consist of a range of ornamental conifers of varying sizes.
2. To the west of 42 Wilford Lane is the health centre and a grassed verge which leads to a sewage pumping station. Other residential properties are located to the north, east and on the opposite side of the road.
3. Roadside tree provision varies along Wilford Lane, but particularly along the north side of the road is a reasonably continuous line of mature trees from this location towards the junction with Loughborough Road. There are existing TPO's on both side of the road in the general vicinity. Tree planting associated with the doctors' surgery is also starting to mature and this combined with an informal field to the west further contributes to the sylvan character of Wilford Lane.

DETAILS OF THE TREE PRESERVATION ORDER

4. The TPO was made following a planning application (Ref: 23/00442/FUL) to construct 5 dwellings. The planning application was subsequently withdrawn, but one of the local Councillors requested the Council gave consideration to protecting trees on the site with a TPO.
5. The TPO was made on the 18th May 2023. Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 the Order takes effect provisionally and needs to be confirmed within 6 months of the date it was made. The Council has a duty to consider all objections and representations that have been made before deciding whether or not to confirm the Order.

SITE HISTORY

6. The Council is currently considering a planning application (Ref: 23/01251/FUL) to construct a dwelling on the land to the north of the house, but this does not affect the protected Cherry tree.

REPRESENTATIONS

7. The owner of the property has objected for the following reasons:
 - The tree could pose a significant public safety risk due to dangers posed by branches overhanging the road and pavement. The owner has observed numerous instances when branches from the garden have encroached onto the highway creating hazardous conditions for both pedestrians and drivers (in particular buses). As a result, the vegetation is trimmed back up to 5 times per year. The road is busy due to the adjacent doctors' surgery and nearby large schools.
 - The owner considers the tree potentially could pose a risk due to it restricting visibility, the risk of falling branches due to disease or adverse weather conditions, impairing access to the road and pavement, or by interfering with infrastructure such as lighting, signage or overhead utilities. If not kept in check the adjacent streetlight will be covered by the tree.
 - In 2015 storm Dorris caused a Leylandii tree within the garden to fail and collapse onto Wilford Lane causing damage and injury. The tree required immediate attention and resolution and now requires continued observation.
 - The trees in the garden have been recently described as being in poor condition.

Appraisal of the Objection

8. The TPO is intended to ensure the long-term retention of the protected Cherry tree, but the legislation governing TPO's allows for applications to be made to prune or even fell trees. When considering applications, the Government advises that the greater the scale of work proposed, the greater the justification that is needed to support it. Whilst each application is considered on its own merits, it is reasonable to suggest that in principle work to ensure trees do not pose a danger or obstruction to highways users would be considered favourably assuming the scale of work was proportionate. Nottinghamshire County Council recommends 5.3 metre clearance is provided over roads and 2.6 metre over pavements.
9. There are circumstances where unmaintained trees encroach onto the highway to such an extent that the County Council can serve notice on the owner requiring work. When formal notice has been served, the minimum work required to achieve the requirements of the notice can take place without the need to make a subsequent TPO application.
10. The Cherry tree is growing at the back of the pavement and future work may be required to prune the tree to control its size and spread. Trees growing adjacent roads are a common occurrence and this fact alone should not prevent the TPO being confirmed. In addition, the Council frequently protects roadside trees as they are often some of the most prominent and the main

purpose of a TPO is to protect trees where their appearance enhances the public realm.

11. The adjacent Leylandii tree which grows next to the Cherry does show signs of past damage and this was one of the reasons it wasn't protected. The legislation controlling TPO's recognises there will be situations where emergency or short-term work needs to take place and makes allowance for this. Where work is urgently necessary because there is an immediate risk of serious harm, tree work can take place straight away and the owner is obliged to notify the Council as soon as possible afterwards. The onus of proof is on the tree owner and it would be prudent of them to take photos of the tree to record the reasoning behind the work. There is also an exemption relating to dead trees where there is not an immediate risk and in this situation 5 days' notice needs to be given to the Council. The above exemptions would allow work to take place at short notice if the Cherry was to die or fail in some way.
12. A tree survey accompanies the latest planning application. It considers most of the trees in the front garden to be BS5837 category 'C' trees which are trees of low quality. However, the protected Cherry is a category 'B' tree, a tree of moderate quality and as such its protection is entirely appropriate. The report notes that there is some deadwood within the canopy, but the removal of this is good practice and the work could take place without the need to make an application to the Council.
13. In summary, the tree is located in a prominent roadside location and it enhances the character of Wilford Lane. The concerns raised in the objection can all be overcome by an application to prune the tree and permission can be given for repeat works such as pruning back overhang over the road or pavement.

RECOMMENDATION

It is RECOMMENDED that the West Bridgford No.1 Tree Preservation Order 2023 be confirmed without modification.