

23/00159/TORDER

Objector Mrs Maplethorpe

Location 80 Firs Road, Edwalton

Objection To Edwalton.1 Tree Preservation Order 2023

Ward Edwalton

THE SITE AND SURROUNDINGS

1. The Tree Preservation Order (TPO) protects an Oak in the rear garden of 80 Firs Road, a 1950's bungalow set behind a tree lined grass verge. To the rear of the property are Rushcliffe owned sports pitches at Alford Road which benefit from a backdrop of mature trees, some of which are within the Council's land and others within adjacent gardens. The Oak is one of the larger trees within the wider backdrop of the playing field. From a distance it contributes to the wider belt, but from the field itself it is a good quality individual tree. The tree is also visible from Firs Road where it contributes to the sylvan character of the junction with Abbey Road which marks the edge of Edwalton conservation area.

DETAILS OF THE TREE PRESERVATION ORDER

2. The TPO was made following a request from a member of the public who overheard a potential buyer of the property discussing development options for 80 Firs Road which included the removal of the tree.
3. The TPO was made on the 21st September 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

4. The Council is currently considering a side extension to the property. Planning reference: 23/01879/FUL.

REPRESENTATIONS

Local Residents and the General Public

5. At the time of making the TPO the property was for sale and an objection has been received from the daughter of the owner. The objection is for the following reasons:

- The tree is in the garden of her mother's property who is now in a care home. There have never been issues with the trees but some branches were lopped a few years ago
- The request to make the TPO is not due to the person loving the tree, but to put an obstacle in the way of the property being sold. No building work can be done at the property as there is a covenant that prevents anything but a bungalow on the site
- The buyer of the property will be notified of the TPO.

APPRAISAL

6. It isn't entirely clear at the current time if the property has been sold but an application to construct a side extension has been received from a third party. This has been reviewed and the extension is outside of the Oak's root protection area and whilst some form of temporary protective fencing will be needed during the construction period to protect the tree, the extension itself does not pose a risk to the tree.
7. The applicant for the planning application has discussed the protected tree with the Council's Senior Design and Landscape Officer, but no other objection to the TPO has been received.
8. It is often the case that a change in ownership may result in new occupiers of the property regarding the tree in a different light to the previous owners. Whilst the tree hasn't caused issues in the past, the Council does not know if new owners will value the tree in the same way. Experience has shown that trees are often perceived to be an inconvenience or nuisance due to loss of light, falling leaves, bird muck, or general concerns about the risk of failure. For this reason, it is considered prudent to confirm the TPO to ensure it continues to protect the tree.

RECOMMENDATION

It is **RECOMMENDED** that the Edwalton No.1 TPO 2023 be confirmed without modification.