

23/00158/TORDER

Objector Mr Giles Tomlinson on behalf of the owner Mrs J Tomlinson

Location 1 Holmsfield, Keyworth

Objection To Keyworth No.1 Tree Preservation Order 2023

Ward Keyworth and Wolds

THE SITE AND SURROUNDINGS

1. The Tree Preservation Order (TPO) protects a single Sweet Chestnut tree in the front/side garden of 1 Holmsfield, a residential property located on an estate constructed in the 1960's in the southwest of Keyworth. The property and tree occupy a prominent location resulting in the tree being visible from 3 adjacent roads, Holmsfield, Far Pastures and Brook View Drive.

DETAILS OF THE TREE PRESERVATION ORDER

2. The Council became aware the tree was scheduled to be removed and given its prominent location decided to make a TPO.
3. The TPO was made on the 13th December 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.

REPRESENTATIONS

Objection

4. The owner of the property through her son has objected to the TPO for the following reasons
 - The tree has been part of the property for a number of years and was once part of a pair with the other being removed due to the root system and damage being caused
 - The tree has been a source of irritation to a number of residents in the area, given its close proximity and overhang of surrounding roads with the exfoliation of leaves and nut casings. The owner of the property is 82 years old and is in no fit state of health to maintain such a tree and is concerned about liability if an accident were to occur
 - The main objection is that the roots of the tree have caused significant structural damage to the property, which is visible both externally and internally, as well as it lifting the pavement
 - Other trees on this property and adjacent properties have been removed previously without intervention from the Council

- The removal of the tree will benefit residents by removing issues with drain blockages, slippery surfaces and other debris. The tree provides no significant wind break, shelter or habitat. The Sweet Chestnuts also attract mice and other vermin which requires maintenance. The pavement is often slippery with algae and debris.

APPRAISAL

5. The main purpose of a TPO is to protect trees which enhance the public realm. Given the position of the tree and the fact it forms a focal point from a number of adjacent roads, it is clear that when the estate was designed the tree was planted with the intention that it would be a prominent feature.
6. The trees in this part of Keyworth generally do not have any form of protection as it is outside of the conservation area so there is no duty on residents to notify the Council of proposed tree work.
7. Trees will naturally shed leaves, seeds and in some cases nuts. The maintenance of which, whilst an inconvenience, comes part in parcel with owning a property. It is unfortunate that such matters can prove too much for elderly residents, but the assistance of a gardener could allow such matters to be managed.
8. When the TPO was made, the Council was not aware of the damage to the building. An officer has visited the property to see the damage at first hand and there is a tapering crack which has been repaired on the external wall facing the tree and there is internal cracking on the plaster within the rooms closest to the tree. At present, no engineering assessment has been made that demonstrates the tree is the cause of the damage, but it is reasonable to assume that roots will be growing up to the building given the size and position of the tree. In light of the above, consideration could be given to allowing the tree to be reduced in size to limit its uptake of water which can exacerbate seasonal movement caused by clay soils shrinking when dry and expanding when wet. It is recognised that the tree has been pruned in the past and will require pruning in the future to prevent it outgrowing the location. An application could also be made to fell the tree and the TPO would allow the Council to condition a smaller growing tree to be planted that would be less likely to outgrow the location.
9. There doesn't appear to be any significant disruption to the pavement or road and this would be a matter for Nottinghamshire County Council to deal with. It was highlighted at the site meeting that the pavement was covered in moss and algae. In summer months the tree would cast shade in the area which could be a contributory factor. Local authorities are not under a duty to remove moss from highways as it is considered transient and doesn't damage or form part of the structure of the surface.
10. As noted above, residents are not required to notify the Council of tree removal in this part of Keyworth, so the Council does not often get any chance to prevent tree removal. Often it is the case that the more trees which are removed from an area, the more valuable the remaining trees become.
11. Trees don't have to have any significant wildlife value to warrant protection, it is something that can be taken into account but doesn't warrant protection on

its own. Fallen Chestnuts will be a source of food for wildlife (and humans), whilst this may not be welcomed it is a relatively minor inconvenience.

12. In summary, it is considered that the amenity value of the tree is very high due to its prominent location. However, since making the TPO it has become apparent that the tree may be affecting the property and whilst there are obvious signs of movement there is no conclusive proof that the tree is a major contributory factor to this. However, in light of this pruning the tree is likely to be appropriate and officers are open to allowing the removal of the tree subject to a smaller replacement being agreed. The confirmation of the TPO would allow the Council greater control whichever course of action is selected by the owner and approved by the Council.

RECOMMENDATION

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