

# 25/00109/TORDER

**Objector** The Owners of 2 and 4 Cherryholt Close, East Bridgford

**Location** 2 Cherryholt Close, East Bridgford

**Objection** To the East Bridgford No.1 Tree Preservation Order (TPO) 2025

**Ward** East Bridgford

## THE SITE AND SURROUNDINGS

1. The TPO protects a Spruce tree in the front garden of 2 Cherryholt Close, a modern detached property in a small cul-du-sac of similar houses. The property is on the border with Cherryholt Lane and as a result the tree is a prominent feature. The property is located within the conservation area and this part of the village has a strong character due to mature trees.

## DETAILS OF THE TREE PRESERVATION ORDER

2. The TPO was made on the 18<sup>th</sup> June 2025. 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.

## SITE HISTORY

3. A conservation area tree notice was received in September 2024 to fell the Spruce but was allowed to lapse without a formal decision being made as to whether the tree should be protected.
4. A second notice was received in April 2025, again to fell the Spruce and this resulted in the decision to make the Tree Preservation Order. The Council's Design and Landscape Officer was initially cautious about protecting the tree due to its potential future growth, but the Principal Area Planning Officer considered that the site was a sensitive location and the tree enhanced both roads and was located in a prominent location.
5. In 2011 the Council allowed a Cedar tree to be felled in the front garden due to it outgrowing the location and the fact the Spruce tree remained to contribute to the local amenity.

## REPRESENTATIONS

### Ward Councillor

6. The Ward Councillor considered that the tree "seems to be quite a young tree that is rather close to the house so I'm concerned that a TPO may restrict and

cause unnecessary bureaucracy and resulting cost to the owner moving forward.” They sought further clarification for the making of the TPO and then left it to the Officers’ discretion.

## **Local Residents and the General Public**

7. Objections to the TPO have been received from the owner of the tree and their immediate neighbour at No. 4, for the following reasons:
8. The owner of the tree:
  - The tree is visually out of keeping with the surrounding area. It dominates the front garden and disrupts the uniform character of the close, which is made up of modest, well-maintained landscaping and ornamental trees
  - No neighbouring residents have expressed a desire to see the tree retained, and there is a general consensus among those living nearby that the tree would be better removed and replaced
  - Permission was given previously in 2024 by allowing the 6-week window to lapse and the subsequent notice was only submitted due to the tree surgeon’s due diligence. The reversal of the Council’s decision shows the tree is not of significant importance
  - The tree was planted far too close to the house with little regard to the size it would reach. Arborists have advised it is shallow rooted. Roots are under the house posing a risk of damage. A tree was removed by the previous owner due to it causing £8500 damage to the neighbour’s drive
  - The proximity of the tree to the pavement poses an unacceptable level of risk and a hazard in adverse weather conditions
  - The tree has outgrown the location, future maintenance will be difficult, expensive and ultimately ineffective in resolving the issues it poses
  - The owners are committed to responsible tree ownership and should removal be allowed an alternative more appropriate species will be planted such as an Acer (Maple).
9. The owners of 4 Cherryholt Close:
  - The tree was planted by a previous occupant of this property some 30 to 40 years ago, together with another similar tree. This other tree eventually had to be taken down because the roots had caused damage to our driveway and due to being a danger to underground services. The driveway was replaced at a cost of £8,500 because of the damage caused and they do not want a repeat of this
  - Damage has also been caused to the pavement and roots are growing towards the house
  - The Spruce now dwarfs the house and was obviously planted too close to it. Imagine what it will look like in another 30 years’ time and the damage it could cause to the house. It is a totally unsuitable location for it
  - The tree has shallow roots and, because of its height, also sways in high winds making it a potential threat to passing people and cars
  - The remaining tree has always been a nuisance in that it sheds its pines and cones over the driveway and cars as well as housing nesting pigeons which regularly cause damage to cars with their droppings
  - They support the felling of this tree especially as it is understood that a smaller more appropriate tree will be planted in its place.

## APPRAISAL

10. Cherryholt Lane has a strong tree lined character which the Council is keen to see preserved. The tree in question is a prominent feature as it is visible from Cherryholt Lane and acts as a focal point at the entrance to Cherryholt Close. Officers do not believe the tree detracts from the character of the Close with many properties containing trees or large shrubs. Officers are of the strong opinion that the tree enhances the amenity of the area with Cherryholt Lane having a strong tree lined character.
11. The Council ran out of time to consider the 2024 notice and as such the owners were within their rights to proceed at that time. However, when a second notice was received officers considered carefully the following assessment and considerations when making the TPO.
12. What is an appropriate size for a tree in relation to a property is very much a personal matter and will vary from one person to another. The tree in question is semi mature and will at least double in height as Spruce tend to be very tall trees. They are capable of reaching 30 to 40m if ideal growing conditions allow. At present the tree is not thought to be unreasonable in relation to the property or neighbouring house given its rather limited canopy spread, especially given that Cherryholt Lane is lined with much taller Oak trees.
13. Spruce tend to have a surface rooting architecture where main roots grow out horizontally but then send roots down further into the ground, they are still capable of producing deeper tree roots to around 2m if ground conditions allow. 90% of all tree roots are found in the upper metre of soil. Whether roots will cause damage depends on a number of variables and is not something that can be readily predicted. Lightweight structures such as paths or drives can be lifted and are relatively easy to relay. Damage to buildings tends to occur from expansion and compaction of clay soils due to moisture content, this will vary throughout the year and vegetation can exacerbate this. Furthermore, the construction of houses varies considerably and older buildings with shallow foundations will be more at risk of movement than modern buildings. It is not possible to predict when trees will cause subsidence to a building. Such damage tends to occur slowly and gradually over time so it is considered that once discovered it can be investigated and managed accordingly.
14. The Council did allow a Cedar tree to be removed in 2011 following a notice to remove it due to damage to the neighbouring drive. This was located closer to the neighbouring drive and would have become a very large tree in terms of both height and spread. When considering the removal of the Cedar the Council was satisfied that the retention of the Spruce would maintain the amenity of the area. Since then, some shrubs have been planted, but no trees.
15. At present the Cedar is approximately 6m from the neighbour's drive and 2m from the tree owner's drive. There doesn't appear to be damage to the neighbour's drive at the current time, inspection of the tree owner's drive was not possible due to it being covered due to construction work. Any damage to the pavement would be an issue for Nottinghamshire County Council to repair.
16. Issues such as falling needles or cones and bird droppings are often considered to be an inconvenience, but not a legal nuisance, therefore, they

are natural occurrences to be tolerated and are given little weight when considering protected trees.

17. At present it is considered the risk the tree poses to hard surfaces, underground services, houses and users of the pavement is not unreasonable. No evidence has been put forward to suggest the tree has a structure that poses a risk of failure. That said, the tree will become larger and due to its potential height, it is unlikely that its current location will allow it to reach full maturity. Both objectors indicate that a replacement tree might be the best way forward, but the only way the Council can secure such planting is by using a condition following a TPO application.
18. The Committee can decide not to protect the Spruce, this would leave the decision as to whether a replacement tree is planted entirely at the discretion of the tree owner. The alternative is to confirm the TPO, which would allow an application to be made to prune or fell the tree. If permission was granted for removal the Council could use a condition to agree the species, size and location of a replacement.

## **RECOMMENDATION**

It is RECOMMENDED that the **East Bridgford No.1 Tree Preservation Order (TPO) 2025** be confirmed without modification.