



**Tree Preservation Order 2010 Number 556 (Chester Court, Langley Road, Spondon, Derby)**

**RECOMMENDATION**

1. To approve confirmation, without modification, Tree Preservation Order 2010 number 556 (Chester Court, Langley Road, Spondon, Derby).

**SUPPORTING INFORMATION**

2. On 25 March 2010 Derby City Council, in exercise of the powers conferred by sections 198, 201 and 203 of the Town and Country Planning Act 1990, made the above Tree Preservation Order (TPO) on Chester Court, Langley Road, Spondon, Derby as shown on the plan attached as Appendix 2.
3. The reason why the TPO was made is cited as: "The trees indicated in this Order are proposed for protection in the interests of visual public amenity. The trees are situated in prominent positions and can be appreciated from the immediate vicinity as well as from further afield. The trees contribute materially to the amenities of the locality by playing an important part in providing a sense of scale and maturity and by having a general greening effect on the immediate and surrounding area."
4. An enquiry was made by a tree works contractor as to the protected status of the trees on site. The proposals that were put forward by the contractor were considered to be excessive given the reasons put forward and the public amenity value of the trees detailed within the order would be reduced as a result.
5. A letter specifically objecting to the Oak tree referred to as T1 in the TPO was received from Mr & Mrs Freeman (3 Borrowfield Road, Spondon). A copy of the objection letter is attached as Appendix 3.
6. The main points of Mr & Mrs Freeman's objection are listed in summary below followed by the Director's response.
7. **Objection point one:** That the Oak tree extends over the rear garden and their bungalow.
8. **Director's response to point one:** We do not consider the trees branches to be problematic and a reasonable clearance appears to exist between the branch tips and the building. If Mr & Mrs Freeman experience any problems regarding

overhanging branches then we will be happy to provide advice on appropriate works that might be included in a tree works application.

9. **Objection point two:** Roots from the Oak tree are alleged to have been responsible for directly damaging a retaining garden wall which has since been rebuilt.
10. **Director's response to point two:** The wall appears to have been rebuilt and no reference has been made to any current damage that the tree roots are alleged to be responsible for. If evidence is supplied in the future of such an effect we would be pleased to discuss an appropriate tree works application.
11. **Objection point three:** Mr & Mrs Freeman believe that the roots are interfering with their drains and have had remedial works carried out and have been informed that the drainage flow has been restricted by tree root ingress and that further action will be required.
12. **Director's response to point three:** The ingress of tree roots into a drain indicates that repairs to the drains are necessary in order to prevent further ingress and to make good any defects regardless of the presence of tree roots. Repairs can generally be carried out without detriment to the tree but if it was considered that root pruning was necessary then an application would need to be submitted. We would be happy to advise on what evidence an application should contain.
13. **Objection point four:** Mr & Mrs Freeman consider that the Oak tree is too close to their bungalow and they cite recommended distances as a result. They also express concerns over the extent of the trees' root spread across their property indicating that, in their opinion the tree is removed as a matter of urgency before causing more serious structural damage.
14. **Director's response to point four:** It is accepted that tree roots will spread to a wide extent in relation to their ultimate and current height. However, there is no evidence to suggest that the roots are responsible for causing any damage at present and if evidence is produced then we would be happy to discuss an appropriate tree works application to overcome any problems conclusively attributable to the tree.

<b>For more information contact:</b>	<b>Jason Humphreys, Tree Preservation Order Officer, Tel - 01332 256031 <a href="mailto:Jason.Humphreys@derby.gov.uk">Jason.Humphreys@derby.gov.uk</a></b>
<b>Background papers:</b>	<b>Tree Preservation Orders, A Guide to the Law and Good Practice</b>
<b>List of appendices:</b>	<b>Appendix 1: Implications Appendix 2: Location Plan Appendix 3: Letter of objection Appendix 4: Photos</b>

<b>IMPLICATIONS</b>
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**Financial**

1. None.

**Legal**

- 2.1 The Local Planning Authority must, before deciding whether to confirm the Tree Preservation Order, consider any duly made objections.
- 2.2 The Local Planning Authority may modify the Tree Preservation Order when confirming it.

**Personnel**

3. None directly arising

**Supporting the Council's vision and priorities**

4. The confirmation of Tree Preservation Order 2010 Number 556 will support the Council's vision and priorities by contributing to the objective: "a diverse, attractive and healthy environment.



DERBY CITY COUNCIL

Tree Preservation Order 2010 Number 556  
Map referred to in the Derby City Council  
(Chester Court, Langley Road, Spondon, Derby)

Regeneration and Community  
Roman House  
Friar Gate  
Derby  
DE1 1XB



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(100024913) (2008)

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Derby City Council,  
Regeneration and Community Department,  
Roman House,  
Friar Gate,  
Derby.  
DE1 1XB.

3, Borrowfield Road,  
Spondon,  
Derby.  
DE21 7HD.

19<sup>th</sup> April 2010

Your Ref: JH/TPO556

Dear Mr Humphreys

**TOWN AND COUNTY PLANNING ACT 1990  
TREE PRESERVATION ORDER 2010 NUMBER 556  
DERBY CITY COUNCIL (Chester Court, Langley Road, Spondon, Derby)**

We are writing to you in connection with confirmation of the above Tree Preservation Order. Regarding the 3 Pine Trees referred to as G1 on the map we have no objection to confirmation of the Order in relation to those trees. We do however object to confirmation of the Order in relation to the Oak Tree referred to as T1 on the map.

Please accept this letter as our written objection the reasons for which are as follows:-

- The Oak Tree is far too close to our bungalow - the recommended distance for an Oak Tree (which is regarded as a vigorous growth species) is between 18 and 30 metres (dependant on whose guidance is referred to) whereas this tree is only 7.5 metres from the rear wall of our bungalow. The root spread of an Oak Tree according to the RHS is up to 2.5 times the height of the tree so the roots of the tree in question will extend well into our garden and we are aware that they are under our greenhouse foundations which is a lot further away at the side towards the front of our bungalow.
- The canopy of the Oak Tree extends not only over our rear garden but over the bungalow itself.
- In recent years the roots from the Oak Tree have pushed over our rear garden retaining wall and we have had to rebuild the wall.

- We believe the Oak Tree roots are now interfering with our drains running across the rear of our bungalow. We have had remedial work carried out but we are told that the drainage flow is restricted by the ingress of tree roots and further action will be required in the future.

We venture to suggest that the best thing to do with this Oak Tree is to remove it as a matter of urgency and before it does any more serious structural damage and replace it with another further away from our bungalow and in a position where it is confined within the owners site.

In the past we have been able to carry out remedial and maintenance works ourselves but as we are now more advanced in age (both over 80) we cannot continue to do so. In future we will look to the tree owner to take full responsibility for its tree and the damage it causes. For this reason we are copying this letter to the Anchor Housing Association.

Yours sincerely,

R.W. Freeman &  
Mrs. A. Freeman  
Owners 3, Borrowfield Road



