

## **Denbighshire County Council**

**Report To:** Planning Committee

**Date:** Wednesday, 8<sup>th</sup> September 2021

**Report By:** Planning Officer (Luci Duncalf)

**Subject:** General Matters Report – Objections to Tree Preservation Order No. 6 (2021) made by Denbighshire County Council

### **1. Purpose of Report**

1.1. To inform Members of the Committee that the Council have received an objection to provisional Tree Preservation Order No.6 (2021) Land at Cilgoed, St David's Lane, Denbigh made on 23<sup>rd</sup> June 2021 and to recommend confirmation of the Tree Preservation Order. The Tree Preservation Order (TPO) affords protection to a single purple leaved Norway Maple (T1) in the rear garden of the property.

### **2. Report**

2.1. On 1 April 2021 a Conservation Area Notification was received by the Council which proposed the felling of the Norway Maple located within the garden of Cilgoed, Denbigh. The applicant was not the owner of the tree and the application was submitted by a neighbour at the property known as Richmond to the rear of Cilgoed adjacent to the tree.

2.2. The reasons provided for the works included that the crown reduction would allow more light into the conservatory of Richmond and would protect the conservatory and gutters. The Tree Consultant concluded that there was no reasonable justification for the quantity of works proposed as no tree report was submitted to indicate there was anything defective with the tree or that it was unsafe. It was concluded that the proposed works to the tree would have a detrimental impact on the visual amenity of the area and that a provisional TPO was justified.

2.3. The Council's Tree Consultant visited the site and discussed the option for revised tree works with both the owner and applicant but these were not agreed by the applicant who came up with their own alternative of a reduction in the crown spread 1.5m from the boundary. The Council's Tree Consultant did not consider this to be a reasonable compromise and that the tree merited additional protection by a Tree Preservation Order taking into account the tree works in the submitted conservation area notification could not be agreed.

2.4. A provisional TPO was made with the owners and other interested parties being served with copies of the order.

Following service of the TPO the Council received an objection from the adjoining landowner who submitted the original conservation area notification for the works to the tree. The objection relates to safety concerns primarily due to the amount of sap the tree excretes which causes a dangerous area within the garden, particularly for clearing gutters. The tree has also dropped branches in the past which has damaged the conservatory. It is not considered that the tree contributes to the character of the conservation area.

2.5. The Council's Tree Consultant inspected the tree and is of the opinion that it is healthy and does not pose a safety risk. He is also of the opinion that when taking into account its size,

condition and location the tree affords significant amenity to the conservation area, and that leaf fall and sap excretion are not issues that outweigh the tree's amenity value. If the objection is not considered by committee and the TPO remains unconfirmed, it will lapse on 23rd December 2021 (i.e. after 6 months) and the tree will no longer be protected.

### **3. Conclusion**

3.1. Notwithstanding the objection it is recommended that the TPO is confirmed in accordance with the Council's Tree Consultant's recommendation.

### **4. Recommendation**

4.1. Tree Preservation Order No. 6 (2021) Land at Cilgoed, St David's Lane, Denbigh is confirmed without modification to afford the Purple Leaved Norway Maple continued protection.

### **Background documents**

Tree Preservation Order No. 6 (2021) Land at Cilgoed, St David's Lane, Denbigh  
Tree consultant inspection notes (TEMPO) dated 28<sup>th</sup> May 2021  
Objection from Peter Lester-Owen, Richmond, Park Street, Denbigh