

TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

CHAIRMAN: Cllr C Dennis

DATE: 26 February 2018

REPORT OF: Arboricultural Officer

SUBJECT: The District of Teignbridge(16 Hele Road)
Tree Preservation Order 2017
E2/23/38

PART I

RECOMMENDATION

The Regulatory & Appeals Committee is recommended to resolve that:

The District of Teignbridge (16 Hele Road) Tree Preservation Order 2017 is confirmed unmodified.

1. PURPOSE

The District of Teignbridge (16 Hele Road) Tree Preservation Order 2017 protects an area of trees located between the rear gardens of 16 Hele Road and properties with Ashton Court, Kingsteignton.

The Tree Preservation Order (TPO) was served on 27 September 2017, the provisional protection will cease on 26 March 2018, if it is not confirmed.

2. BACKGROUND

The tree preservation order was made following a request from the owner/occupier of 16 Hele Road, as there were ongoing discussions with adjacent property owners/occupiers regarding the ownership of the trees and their future management.

Local Planning Authorities (LPAs) have a duty under Part VIII of the Town and Country Planning Act 1990 (TCPA) to ensure the protection of trees (Section 197) by making Tree Preservation Orders where it is considered necessary. "Tree Preservation Orders - A Guide to the Law and Good Practice" (published by the then DETR) provides additional guidance on when to serve TPOs. Section 198 of the TCPA states LPAs may make a TPO if it appears to them to be "expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area".

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The provisional TPO provides protection for six months from the date of serving, but if not confirmed before or at this time, the protection provided by it will cease.

The trees are highly visible and contribute to the visual amenity of the area. The loss or significant pruning of the trees would have a detrimental impact upon the visual amenity of the area

As the trees are protected by an “Area” designation the use of the standard visual amenity rating system is not considered appropriate.

Owing to the importance of the tree within the local landscape, The District of Teignbridge (16 Hele Road) Tree Preservation Order 2017 was made and served on 27 September 2017.

1 letter of objection have been received.

The objection can be summarised as follows:

- The trees obscure views of Dartmoor
- The trees restrict light to the house and garden
- The trees would cause property damage and may injure children playing in the garden if the trees fell.

Officer Comment:

- The Council would look upon an application to crown lift the trees sympathetically. The crown lifting of the trees may assist in improving views, and increasing light levels to the rear elevation and garden.
- No information has been provided that indicates the trees or sections of the trees are liable to fail.

3. SUSTAINABILITY IMPLICATIONS

Trees in urban areas are a vital component of a sustainable future, serving to absorb CO², create oxygen and filter pollutants that exacerbate conditions such as eczema and asthma, as well as providing shade and screening and a softening of the built environment. Trees provide a sense of place, habitat for fauna and flora, as well as uplifting the spirits of many people.

4. FINANCIAL IMPLICATIONS

None

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5. OPTIONS

The Regulatory and Appeals Committee can decide to:

- Confirm the Tree Preservation Order unmodified
- Not to confirm the Tree Preservation Order

Officer Name: Mark Waddams

Officer Designation: Arboricultural Officer

The box below to be completed by the report author.

Wards affected	Kingsteignton West
Contact for any more information	M Waddams (01626) 215708
Background Papers (For Part I reports only)	
Key Decision	N
In Forward Plan	N
In O&S Work Programme	N
Community Impact Assessment attached:	N
Appendices attached:	A: B:



Scale
1:600

District of Teignbridge (16 Hele Road) Tree Preservation Order 2017

E2/23/38



TREE PRESERVATION ORDER**Town and Country Planning Act 1990****The District of Teignbridge (16 Hele Road) Tree Preservation Order 2017**

The Teignbridge District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990, hereby make the following Order

Citation

1. This Order may be cited as **The District of Teignbridge (16 Hele Road) Tree Preservation Order 2017**

Interpretation

2. (1) In this Order "the authority" means the Teignbridge District Council
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall:
- a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,
- any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 27 September 2017

Signed on behalf of the Teignbridge District Council

.....
 Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER

This Order was confirmed by the Teignbridge District Council without modification on the

Date:

OR

This Order was confirmed by the Teignbridge District Council, subject to the modifications indicated by:

- the substitution of the original Schedule 1 (which is shown deleted by a black line) with the new substituted Schedule 1, which is marked "Substituted Schedule 1"
- the substitution of the original Plan (which is shown deleted by a black line) with the new substituted Plan, which is marked "Substituted Plan"

Date:

Signed on behalf of the Teignbridge District Council

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Teignbridge District Council on:

Date:

Signed on behalf of the Teignbridge District Council

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the Teignbridge District Council on the [INSERT DATE] by a variation order under reference number [INSERT REFERENCE NUMBER TO THE VARIATION ORDER] a copy of which is attached:

Signed on behalf of the Teignbridge District Council

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the Teignbridge District Council on the:

Date:

Signed on behalf of the Teignbridge District Council

.....

Authorised by the Council to sign in that behalf

FIRST SCHEDULE

SPECIFICATION OF TREES

TREES SPECIFIED INDIVIDUALLY

(Encircled in black on the map)

NONE

TREES SPECIFIED BY REFERENCE TO AN AREA

(Within a dotted black line on the map)

REFERENCE ON MAP	DESCRIPTION	SITUATION
A1	Trees of whatever species	located close to the eastern boundary of 16 Hele Road

GROUP OF TREES

(Within a broken black line on the map)

NONE

WOODLAND

(Within a continuous black line on the map)

NONE

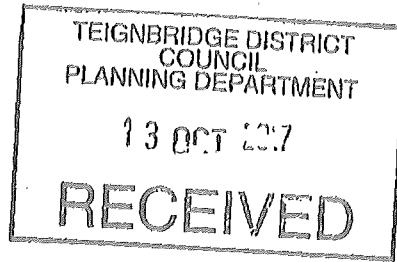


Scale
1:600

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Kingsteignton
Newton Abbot
TQ12 3TL

5th October 2017

Teignbridge District Council
Forde House
Newton Abbot
TQ12 4XX

For the attention of Mark Waddams

Dear Sir

Ref:- E2/23/38 – T.P.O. 16 Hele Road, Kingsteignton

I would like to object to the above TPO. I have lived at the above address for over 10 years and have always kept the trees back from hanging over my decking and because I wanted to lower them the lady at 16 Hele Road thought she would put a TPO on them.

When I moved to this address I had lovely views across to Dartmoor (see attached photographs) now I cannot see anything except very high trees.

These trees also keep out light from my house and garden. I am also concerned if they were to fall they are much closer to my property than 16 Hele Road, I also have my Grandchildren playing regularly in my garden and what if they fell then.

I am not even sure if these trees do belong to 16 Hele Road. I am now left with half cut down trees as she insisted my Tree surgeon to stop. I only want to lower the trees not cut them down completely.

I believe all the trees along the back of Ashton Court should be lowered for safety reasons.

Please confirm how I can proceed with the lopping of the trees as I mentioned above I have half a job done.

Yours Faithfully

