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REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM:
DATE OF MEETING:	11 December 2007	CATEGORY: DELEGATED
REPORT FROM:	Director of Community Services	OPEN
MEMBERS' CONTACT POINT:	NICKY TOON (ext.5926)	DOC:
SUBJECT:	TREE PRESERVATION ORDER 282 Ivy Close Farmhouse, Trusley	REF:
WARD AFFECTED:	NORTH WEST	TERMS OF REFERENCE: DC01

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### **1.0 Recommendations**

- 1.1 That this Tree Preservation Order be confirmed.

### **2.0 Purpose of Report**

- 2.1 To consider confirmation of this Tree Preservation Order.

### **3.0 Detail**

- 3.1 This Tree Preservation Order was made on 22 June 2007 in respect of two cedar trees at Ivy Close Farmhouse, Trusley. The two Himalayan cedar trees are situated within the grounds of Ivy Close Farmhouse, a Grade II listed farmhouse, and within Trusley Conservation Area. Following the receipt of a notification to remove the cedar trees a Tree Preservation Order was made for the following reason:

"These young cedar trees are an appropriate species in this location that integrate well with the setting of Ivy Close Farmhouse, a Grade II listed farmhouse. The trees are clearly visible from the road through the village and are considered to be of amenity value within this location. In view of the amenity value the Council considers it expedient that this Tree Preservation Order is made."

- 3.2 The applicant has submitted a report from an arboricultural consultant raising the following points relating to the cedars:

- The cedars are not well placed in regard to the overall layout of the property.
- One of the cedars is situated 13.4m from the front of the house and is directly in front of the main elevation. When it is mature, the branches could extend as far as the house, and its location would not be at all suitable in terms of light to windows or visual congruence.
- The large mature apple tree situated close to the road is more appropriate and more obvious and is considered to be the most important tree on the site at the present time.

- The applicant has been in discussion with the highway authority regarding the possibility of creating a new access and turning area. The line of the driveway would require the removal of both cedar trees, a pear tree and small apple tree which are either in the line of the proposed new driveway and/or inappropriate in the long term.
- As part of the submitted report the arboricultural consultant has submitted a plan indicating the possible locations for 12 new trees which "... would form a more appropriate design and would provide a continuity when the poplars (poplars surround the boundary of the site) and the large ash are eventually removed." The suggested replacement species include walnut, mulberry, apple (on vigorous rootstock), pear, holly, hawthorn and ash which the consultant considers appropriate in a garden such as this.

3.3 In addition to the arboricultural consultant's report the applicant's agents have submitted an objection which raises the following concerns:

- **Threat to the Grade II listed building**  
The trees are planted perilously close to the house. All six rooms of the farmhouse are lit from the side facing towards the trees. When mature, the branches of the trees could reach the farmhouse.
- **Effect on Turning Circle**  
The existing turning circle to the front of the house is hard up against where both cedar trees are planted and was constructed prior to the planting of the trees. This can no longer be used as such because of the increasing size of the trees unless their branches were removed to a height of approximately 7'6" from the ground which would destroy their shape and make them appear visually peculiar.
- **Road Safety Issues**  
The existing front drive entrance to the farmhouse is very steep with blind visibility in both directions. As part of the ongoing renovations, the re-configuration of the entrance driveway is being considered in order to make it easier to enter and potentially less dangerous. It will also enable the planting of some screening to afford the property the visual (and actual) privacy it currently lacks. To achieve these goals it will be appropriate to see the removal of these two cedar trees.
- **Effect on Foul Drainage System**  
The trees are planted within 13' and 11'6" of the piped run of foul drainage between the house and the septic tank. The falls between the house and septic tank are comparatively shallow with the piped run being no more than 2 feet below the surface close to the two cedar trees. The tree roots have both entered and are clogging up the clay pipes interfering with their downward fall to the extent that backfall has occurred and foul sewage will not travel down as far as the septic tank. Half of the pipe run has been replaced but there is concern that the tree root systems will either enter or damage the remaining clay pipes or interfere with the necessary 'fall' of the their run if the cedars are allowed to remain and grow larger.
- **Suitability of Location of Trees**  
The cedars are not an indigenous variety and look out of place in this English village location. The trees were planted by a former tenant and when mature will be completely out of scale to the size of the house and its modest curtilage.
- **Threat to Other Trees**

One of the cedars is only 19' away from the mature apple tree which the arboriculturalist report considers to be the most important tree within the curtilage of the house. The branches of the cedar trees will, in time, compete with the apple tree branches as they continue to spread which may be to the detriment of both trees.

- The decision to apply for the removal of the trees has been taken after considerable thought and deliberation. Particular regard has been given to the wider context of the proposals and the longer-term implications of the removal or retention of the two cedars. We would request that the application is judged having regard to the wider context.

3.4 In answer to the comments made the Council's landscape architect has the following comments:

- The house is substantial and it is entirely within the character of such houses to be associated with cedar trees. A good example is the cedars surrounding Elvaston Castle. Trees do not have to be indigenous. Himalayan cedars are found in medium to large gardens all around the UK. There is ample space for them in this location.
- The cedars are not considered to be a threat to the house. One tree is 13.4 metres from the house. As the tree matures the lower branches can be removed. Crown thinning could also be allowed and light would not then be a problem. The trees can be retained through simple surgery. Branches encroaching on the house could be removed but the diameter of a cedars spread is not 13 metres and is typically less. In time, possibly one of the cedars could be removed if necessary. It is not envisaged that the cedars will become a problem but the situation can be reviewed if they do. Currently the cedars will mature into fine specimens.
- The proposed new access and turning circle need to be planned with the retained cedars in mind. The cedars, at this stage of their life, are tolerant to some construction activity and a new drive could be constructed with the protected trees integrated into the design.
- Tree roots typically break into old drainage systems that are leaking and not into sound plastic pipes. The drains appear to have failed already and need replacement. There is no evidence that the roots from the cedars have broken into the old drains. The likelihood is that the vigorous Lombardy poplars have invaded the old faulty drain.
- The apple tree is currently the most prominent tree but has a limited life span (20-30 year only) and will soon go into decline. The cedars have 100 years plus.
- There is no objection to the proposed replanting suggested by the consultant, however the two cedars have a good future and would form a valuable amenity feature in synchronicity with the house.

#### **4.0 Planning Assessment**

- 4.1 It is expedient in the interests of amenity to make this tree the subject of a Tree Preservation Order. The trees can be retained to enhance the listed building and can

be integrated into a landscape scheme for the property along with the new driveway proposals. The trees integrate well with the setting of the listed building and are of amenity value within this location.

## **5.0 Conclusions**

5.1 It is expedient in the interests of amenity to preserve.

## **6.0 Financial Implications**

6.1 None.

## **7.0 Corporate Implications**

7.1 None

## **8.0 Community Implications**

8.1 None

## **9.0 Background Implications**

9.1 Tree Preservation Order

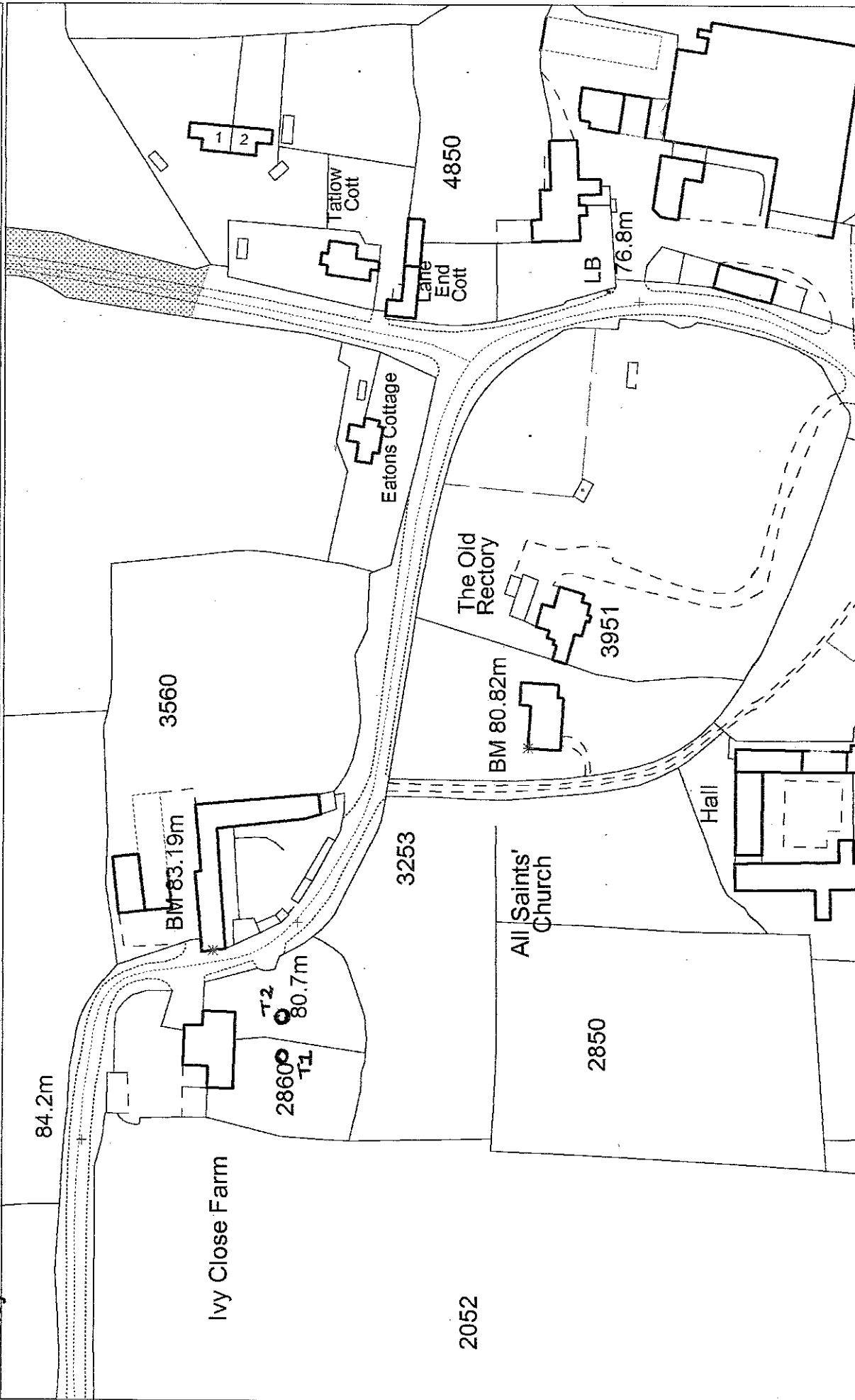
9.2 July 2007 – Arboricultural Report, Rodney Helliwell

9.3 26 July 2007 – objection letter

9.4 31 October 2007 – objection letter

# TPO 282 Ivy Close Farm

Trusley



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