

Report of Head of Planning & Enforcement Services

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

**TREE PRESERVATION ORDER NO. 682 (TPO 682):  
MAGNOLIA AT 3 LONG LANE, ICKENHAM**

**1.0 Summary**

To consider whether or not to confirm TPO 682 with or without modification.

**2.0 Recommendation**

That TPO 682 (2010) be confirmed without modification.

**3.0 Information**

3.1 The making of TPO 682 (2010) was authorised under delegated powers. The TPO was made in the interests of amenity to protect a Magnolia (T1) situated in the front garden of 3 Long Lane, Ickenham, which is within the Ickenham Village Conservation Area.

3.2 The following objection (summarised) to TPO 682 was received on the grounds that: -

- I. The tree dominates a large area of the drive making it impossible to turn a car in the driveway, and difficult and very dangerous to reverse onto the busy main road; there are no other trees placed so dominantly in a driveway; all trees are placed on the perimeters of the properties; and there are plans to replace the tree by growing trees and shrubs around the driveway (as neighbours have done).
- II. The tree blocks a lot of light coming into, and hides, the property.
- III. The Council was provided with a tree survey (dated 30<sup>th</sup> March 2009), which classed the tree as C grade – tree of low quality and value.
- IV. The Council was previously sent a written request to allow the felling of the tree (letter dated 27<sup>th</sup> August 2009).
- V. The tree has grown too large for the land it is on. The tree has a negative impact on the property's foundations, because it is so close to house; The tree is in poor condition and is also causing damage to a front boundary wall (recently removed), and it is also believed that the tree is causing damage to a shared sewer.

#### **4.0 Observations on the objections to TPO 682:**

4.1 The Magnolia, which is also afforded protection by virtue of its location within the Ickenham Village Conservation Area, was retained as part of the development of the site (planning permission ref:- 64180/APP/2009/666).

4.2 The Design and Access Statement for the scheme includes the following statement: *“The existing green spaces will not be affected by the proposed scheme. It is not proposed to remove the trees to the front of the property. A tree report has been appended to this application”*. The Magnolia, which is located in proximity to the existing driveway, is mentioned at page 9, section 9.1 and 9.2 of submitted tree report and shown retained on the tree protection plan submitted with the application.

4.3 Although the canopy of the Magnolia tree overhangs much of the front garden area and part of the parking area at the front of the house, the tree does not affect most of the extensive driveway / parking area and there is adequate space for at least two cars to park and for cars to manoeuvre.

4.4 With regard to the blocking of light, the Magnolia is situated west of the house, which comprises a garage, a hall and a dual aspect (west / east) living / family room. A shading diagram that was submitted with the 2009 application shows that the Magnolia will shade the front garden, the driveway and the garage door, but will not shade the west-facing living room windows. Those windows will however be in the shade of the building itself.

4.5 With regard to the quality and value of the flowering Magnolia, it is an ornamental tree in early maturity, with a useful life expectancy of 20-40 years. It is situated on the road frontage of the property, within the core of the Ickenham Village Conservation Area, which is characterised by other mature ornamental trees. The Magnolia is a significant and conspicuous landscape feature, which contributes to the arboreal character and amenity of the Conservation Area, and it has a moderate amenity value.

4.6 The letter sent to the Council (dated 27<sup>th</sup> August 2009 after planning permission was granted in June 2009) included, amongst other things, a wish to remove the Magnolia in order to:

- Make it possible to turn a car in the driveway, as it is difficult and quite dangerous to reverse onto a busy road;
- Allow more light into the property;
- Make the property more visible; and
- Give the property a more tidy appearance.

At that time, the landowner was advised that a formal application should be submitted to seek permission to vary that part of the approved scheme.

4.7 The first two points raised in the letter have been addressed at paragraphs 4.1 to 4.4 above. With regards to the third and fourth points, there is no need to make the property more visible at the expense of a valuable

landscape feature, and the front of the property already has a tidy appearance, and makes a positive contribution to the amenity and character of the Conservation Area. Furthermore, these points could, if necessary, be re-considered if and when any such application is made.

4.8 The tree has reached maturity and is not too large for the site. No technical evidence has been submitted to substantiate the contentions that the front boundary wall and sewer, shared by this property and the library, are being affected by the tree.

4.9 In August 2011, one low branch on the tree was cut without the consent of the Council. The pruning was minor and has not affected or harmed the tree or the amenity of the Conservation Area.

4.10 There were no other objections to or representations about TPO 682.

## **5.0 Conclusions**

5.1 It is recommended that TPO 682 be confirmed without modification.

5.2 The following background documents were used in the preparation of this report:

- Provisional Tree Preservation Order No. 682 (2010)
- Photographs of Magnolia
- Letters of objection to TPO 682
- Planning application (64180/APP/2009/666)
- Correspondence and e-mails to and from Council
- Tree Preservation Orders – A guide to the Law and Good Practice.

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SIGNED

MEMBER OF THE COUNCIL

SIGNED

AUTHORISED OFFICER

3 Long Lane  
Ickenham

Tree Preservation Order Number

**682**

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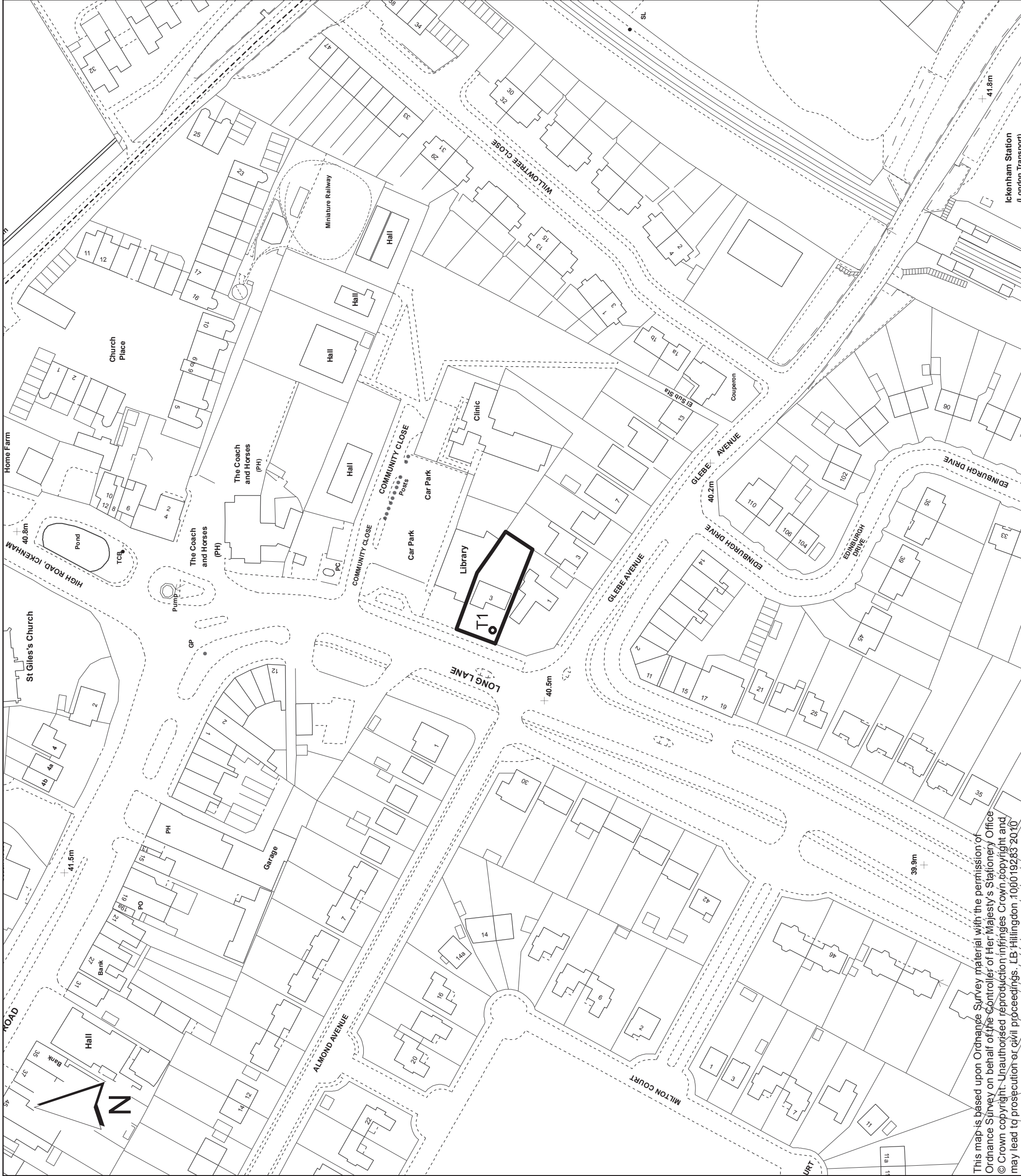
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Date: August  
2010

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