

# Appendix (2)

Mr Tarek Ball  
Environmental Services  
Bromsgrove District Council  
Crossgate House  
Crossgate Road  
Redditch  
Worcestershire  
B98 7SN

**Objection to the Order made under Section 198 of the Town and Country Planning Act 1990, entitled Tree Preservation Order (8) 2021 in respect of the tree on land at 4 Merriemont Drive, Barnt Green, Birmingham, Worcestershire B45 8QZ.**

This objection is raised in accordance with Regulation 6 of the Town and Country Planning Regulations 2012 and the objection is being raised by:

Mr Keith Moody and Mrs Ann Moody

Being the residents of 4 Merriemont Drive, Barnt Green, Birmingham, Worcestershire B45 8QZ.

## **Grounds of the objection**

The objection is being raised on the grounds that the order takes insufficient account of the major nuisances and financial cost to the residents being caused by the tree to the residents of Merriemont Drive and that the tree has in fact no public amenity value and that the private amenity value is only to the residents of Merriemont Drive whose view is that any limited private amenity value is more than outweighed by the major nuisances that the residents would have to continue to suffer should the temporary order made become permanent.

Furthermore, there has been no discussion with the residents in respect of the potential amenity value and environmental value of what might be put in place by the residents in place of the tree.

## **Nuisances and financial costs**

1. Needles from the tree are falling constantly onto the driveways making it impossible to keep clear without sweeping every day. Needles are being carried by shoes particularly into cars (making it impossible to keep the interior of the cars clean and some of the needles cannot be removed). We are currently having to pay to have the drive cleared every 2 weeks.
2. Our neighbours are complaining that they are also getting the needles on their path and drive and that some needles even getting lodged under the bonnets of their cars.
3. Seasonally the tree also drops and squashes cones onto our drive and neighbour's paths staining both and again this impossible to keep clear without daily washing and sweeping. (Even then it does not always remove the stains).
4. Proximity to the house means reduced sunlight into one of the bedrooms.
5. Our neighbours are also complaining about the impact on their garage roof which is now directly under the tree which currently includes the garage guttering being constantly blocked but could also soon start to impact on the garage roof tiles.
6. Our neighbours have just replaced their path by the garage. Cracking/warping of the previous path may have been caused by the tree's roots.
7. There is a serious concern that the tree's roots may eventually cause a problem under our neighbour's garage as the garage is only approximately 6ft from the tree

and/or the garage roof which is directly under the tree's branches. Who would then be liable for any damage caused if the council restricts the residents from mitigating such risk?

8. There have also been problems in the past with nearby drainage pipes and the sewerage system (including backing up into a neighbour's house) which may reoccur, and which may have been exacerbated by the tree's roots.
9. We believe that the cumulative effect on our neighbours could constitute a Legal Nuisance and/or an urgent or serious safety risk and they may be entitled in any case to ask for the tree to be removed despite any protection order, which could make this process moot and a waste of rate payers' money.
10. We bought the house after searches showed no preservation order on the tree. There is a concern that placing a preservation order on the tree now would make it less attractive for resale given the major nuisances that it causes. Furthermore, had the tree been the subject of a protection order when building plans were approved the plans would probably not been approved so placing a protection order 'after the fact' seems demonstrably unfair to the residents.
11. The tree was trimmed back at our considerable cost about 4 years ago but with negligible effect and the tree continues to get larger and larger. We cannot afford to have the tree constantly paired in any case but would pay (a one off) to have the tree and thus all the problems permanently removed.
12. The tree was not under any protection order and the residents would have been within their rights to have had the tree removed without informing the council. For the council to respond to civic responsibility by immediately placing the tree under a temporary order and without offering any solution to the major nuisances seems grossly unjust.

### **Amenity Values**

1. The tree is not visible at all from any public road. Merriemont Drive is a Private No-Through Road. Therefore, there cannot be any public amenity value lost.
2. The tree has limited private amenity value to the residents only and their view is that the major nuisances being caused vastly outweighs any minor private amenity value gained.
3. There are many other trees in and around Merriemont Drive including many in residents' gardens limiting any amenity lost from a single tree.
4. The tree in question is very close to and may impact a silver birch tree which does have private amenity value to us.
5. The tree is not of particularly good form for its specie.
6. The residents intend to replace the tree with a rockery and have plants that will provide greater amenity value and environmental value than the tree.

### **Summary**

We and our neighbours value trees as much as anyone else, do not take removing the tree lightly and have tried to manage the growing problems for the last few years but we believe that it is very clear based on the above that in this particular case the issues far outweigh any lost amenity (if any) and the tree should not therefore be the subject of a protection order in this instance.