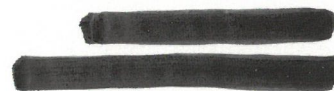


Appendix (2)

Church View
Bear Hill
Alvechurch
B48 7JX

Monday 19 April 2021



Gavin Boyes
Environmental Services
Bromsgrove District Council
Crossgate House
Crossgate Road
Redditch
Worcestershire
B98 7SN

Bromsgrove District Council
Tree Preservation Order (7) 2021

Tree/s on land at Church View, Bear Hill, Alvechurch, Worcestershire. B48 7JX

To whom it may concern,

We, the owners of Church view, Bear Hill, Alvechurch, Worcestershire. B48 7JX, wish to strongly object to the above Tree Preservation Order effecting tree labelled T1 on the attached map, which came into force on a temporary basis on 31 March 2021. We have no objections regarding the tree labelled T2 on the same map.

Background

Church view is a recently completed new bungalow on a small development of three properties located in the grounds of a now demolished large property (Bear Hill House) on Church Walk, Bear Hill, Alvechurch. The rear garden of our bungalow backs on to St Laurence Church cemetery.

We agreed to buy the property in September 2020 and moved in on Friday 2 April 2021. The developers, Jarvis Construction Ltd, assured us that none of the trees within the boundary of our property was subject to a Tree Preservation Order (TPO) and that we would be free to remove any of them after completion. This removed a major concern we had about the size and location of the very large Beech tree (now identified as tree T1, NGR 402797, 272472) to the Southernmost corner of the rear garden and its blocking of natural light from the rear of the bungalow, the planned conservatory and over half the rear garden.

Reasons for wishing the removal of this tree

1. Location

Tree T1 is located approximately very close to our bungalow being approximately 11 metres from the rear wall of the property and just 8 metres from the rear of the proposed conservatory. It was

our intention to use this top tier of our garden to plant fruit trees, now not possible with this TPO in place.

2. Size

At approximately 12 metres (almost 40 feet) tall and with a crown of approximately 12 metres (40 feet) in width, this is a very large tree in a relatively small rear garden. (See photo 1). Furthermore, tree T1 appears even taller relative to our property by being on the third tier of a raised garden; the top of tree T1 is approximately 14 metres (almost 46 feet) above the level of the patio, three times the height of the property, the highest point of our bungalow being approximately 4.5 metres (just under 15 feet).

This very large tree would not have appeared so substantial in the grounds of the large house and garden that previously occupied the site of this development but in our view it is vastly disproportionate to the small rear garden of a modest bungalow and completely dominates the garden.

3. Natural light

As noted in the First Schedule of the TPO, this tree is situated in the 'Southernmost corner of the site' which means that, particularly when in full leaf, it blocks direct sunlight and throws a significant shadow across the bungalow, house and proposed conservatory from approximately mid-morning to late afternoon. We feel that this deprives us of considerable natural sunlight and therefore detracts substantially from our future enjoyment of much of the rear garden.

4. Danger

Tree T1 is approximately 12 metres (40 feet) tall yet located just over 11 metres (36 feet) from the rear wall of our bungalow and only 8 metres (26 feet) from the rear of our proposed conservatory. The size of this tree and its close proximity to our home and proposed conservatory may prove a danger in the future should boughs break off or the tree be toppled in very strong winds or through age or disease. We have been advised that the risk of this danger may well have been increased by the developers disturbing the ground around the tree during the construction of the tiered garden, levelling the soil, cutting away some of the root system to fit wooden retaining walls, exposing some roots at the surface and possibly altering the water table. (See photo 2). Should this appeal be rejected and life or property be harmed or damaged by this tree at some point in the future, please be aware that we will seek to hold Bromsgrove District Council liable for any damage.

None of the above applies to tree T2, the Silver Birch tree to the South Eastern boundary of the site which is of a proportionate and reasonable size compared to the bungalow and its plot.

Amenity value and the interests of amenity

We accept that trees in general add to the pleasantness or attractiveness of a place. The pleasing semi-rural nature of Alvechurch and its surroundings attracted us to move to the area almost 18 years ago and to stay in the area when we considered moving house in 2019.

However, Government guidance requires that TPOs should only be served on trees where their removal would have a 'significant negative impact' on the enjoyment of the local landscape by the public. It is our contention that the removal of tree T1 would not have this 'significant negative impact' for the following reasons:

- Tree T1 is not located in the Alvechurch Conservation Area but in a private garden.

- There is very limited visibility of tree T1 from public spaces. Tree T1 cannot be seen at all by the public from the village centre of Alvechurch, Bear Hill or Church Walk. (See photo 3).
- Indeed, Tree T1 can only be clearly seen from one public space, namely the cemetery of St Laurence Church, the lower section of which is not part of the Alvechurch Conservation Area. (See attached map & photo 4). The tree itself is a good distance away (approximately 115 metres) from the cemetery path which marks the south western boundary of the Conservation Area.
- The removal of tree T1 would be largely replaced in public view from the cemetery by tree T2 which sits almost directly behind it, hence our belief that the removal of tree T1 would not have a 'significant negative impact on the enjoyment of the local landscape'. On the contrary, the removal of tree T1 slightly opens up distant views of the hills and open countryside to the east and south east of Alvechurch from St Laurence Cemetery. (See attached photo 4). We are not contesting the temporary TPO served on tree T2.
- Private visibility of tree T1 is limited to two of the three properties on our small development and 10 School Lane, our neighbours to the south eastern boundary of our bungalow. We have spoken to our new neighbours who have expressed no objection to the removal of tree T1.
- Apart from tree T1, there are many surrounding trees visible from various different public viewpoints. The loss of tree T1 would not, in our opinion, significantly lower the local tree population or public amenity value.
- There is no unique suitability of tree T1 to its setting in a private garden.
- Tree T1 does not screen unpleasant views. On the contrary, as mentioned above, it currently partly obscures distant hills and open countryside from the cemetery
- Tree T1 is a beech tree and therefore not a local or national rare species.

Finally, we would like to add that we were both surprised and upset by the timing of this TPO. If the TPO had been made at the beginning or during the development of the site (or indeed, when planning permission was approved for the development of the site in 2016), then we would have known from the start where we stood when purchasing this property. Surely the threat of felling or severe pruning of this tree by any future owner of Church View due to loss of natural light and disproportionate size could and should have been foreseen and the TPO served earlier than the day before legal completion, thus entirely avoiding the upset caused by this TPO and subsequent appeal.

Yours sincerely,

Mr R. & Mrs E. Steed

Tree Preservation Order (7) 2021

Tree/s on land at Church View, Bear Hill, Alvechurch, Worcestershire. B48 7JX



Photo 1

Trees T1 (Beech tree, right) and

Tree T2 (Silver Birch, left) in the rear garden of Church View, Bear Hill, Alvechurch.

Looking south east.

Rear of Church View



Photo 2

Tree T1 in the rear garden of Church View, Bear Hill, Alvechurch.

Looking due south

St Laurence Church Cemetery beyond rear hedge.

Note wooden retaining walls & terracing which may have caused root disturbance to tree T1

Tree Preservation Order (7) 2021

Tree/s on land at Church View, Bear Hill, Alvechurch, Worcestershire. B48 7JX



Photo 3

Tree T2 Church View, Bear Hill, Alvechurch.

Looking south east from Church Walk

Note tree T1 is obscured by new-build property and cannot be seen from the road/public footpath of Church Walk.

Distant views of hills & open countryside to east of Alvechurch

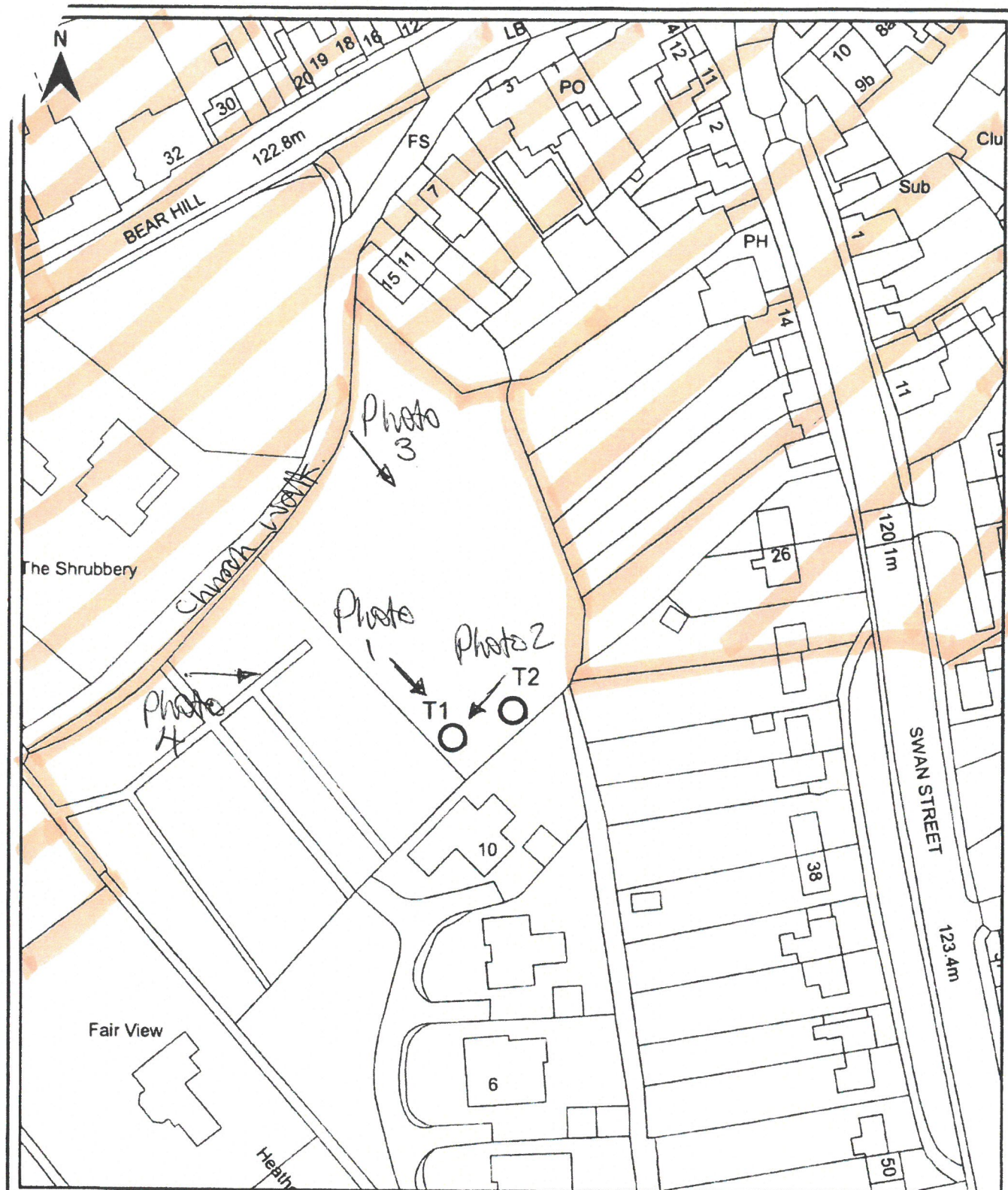


Photo 4

Tree T1 in the rear garden of Church View, Bear Hill, Alvechurch.

Looking East across St Laurence Church Cemetery

Tree T2 in the garden of Church View almost immediately behind tree T1



Bromsgrove
District Council

www.bromsgrove.gov.uk

REDDITCH BOROUGH COUNCIL

making
difference

www.redditchbc.gov.uk

Project: Bromsgrove
District Council
TPO (7) 2021

Drawing: Church View,
Bear Hill,
Alvechurch B48
7JX

Drawing No: 1 of 1

Drawn: Tarek Ball

Scale: 1:1000
@ A4

Date: 3.2021

Environmental
Services
Town Hall
Walter Stranz Square
Redditch
Worcs B98 8AH

© Crown copyright and
database rights 2021
Ordnance Survey
100023252

Walter Stranz Square
DATE: 31 March 2021

Alvechurch
Conservation
Area.

