

26 Beech Road  
Hollywood  
Birmingham  
B47 5QS

5 March 2024

Gavin Boyes  
Bromsgrove District Council  
The Tree Team  
Crossgate House  
Crossgate Road  
Redditch  
B98 7SN

Dear Mr Boyes

**Tree: 23 Hawthorne Drive, Hollywood, B47 6QT – NGR 408684, 276805**

Thank you for your letter 8<sup>th</sup> February 2024.

We object to the proposed permanent TPO on the basis:

1. The tree provides no amenity value whatsoever, in fact most of the year it looks like something from the Blair Witch project! *Figure 1*
2. When the weather is bad branches fall into our garden which means we cannot leave garden furniture etc under the tree for fear of damage.

Although the tree does provide an excellent place for pigeons to drop poop all over our patio! Another reason none of us sit underneath/near the tree!

Should the tree ever come down in bad weather then it is entirely likely someone's house is going to be damaged, possibly very badly.

3. We have previously investigated having solar panels fitted to our roof, but on both occasions, we were advised not to proceed due to the shading caused by the tree.

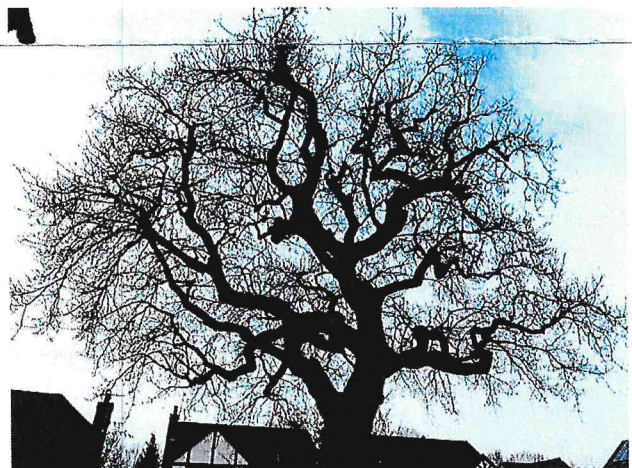


FIGURE 1: NOT PRETTY

4. The tree shades a large portion of our garden which results in:
  - a. Loss of natural sun light
  - b. Our grass doesn't grow well, let alone any plants in this shaded area.
  - c. Much of our garden and patio remains overly shaded and cold in the spring and summer so we don't get use our garden as much as we would like.



FIGURE 2: SHADOW

5. The tree is located at the end of a private cul-de-sac that's provides no public access. I cannot imagine any member of the public wanting the 'enjoy the amenity value' of this tree by standing at the top of the cul-de-sac and looking down.

6. The tree has clearly grown too large and encroaches our property. *Figure 3*

FIGURE 3: 2021 OVER GROWN

When we moved into our house 3 years ago the branches were almost touching our bedroom window. Our neighbour at the time, whose land the tree is on, agreed we could have the tree cut back. This cost us nearly £800 and as you can see from this picture the tree is again growing close to our property. *Figure 4*

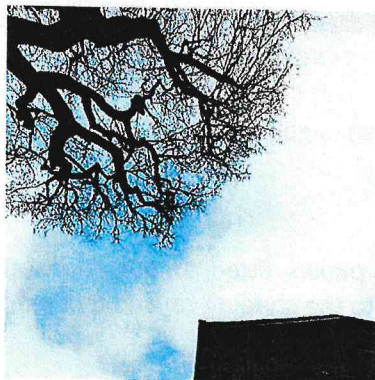
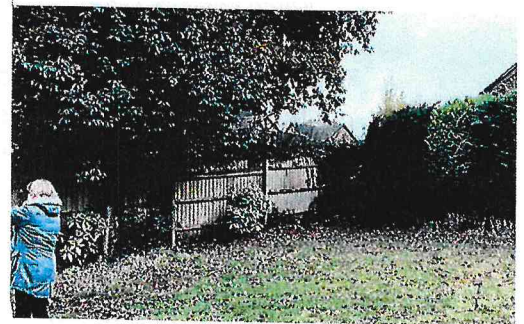


FIGURE 5: ENCROACHING

This does give us cause for concern about potential root damage to our house's foundations (and neighbours).

We'd estimate the tree was planted around 30 years ago when the estate was



first built, and the developers gave little thought to how large it would grow or encroach upon our houses.

7. We're mindful that the tree is above the main public combined gravity sewer which come down this part of Hawthorne Road and through into Beech Road. I imagine a tree this size will have a root system that could easily damage the drains. *Figure 5*

Any damage to these drains would be costly to repair.



FIGURE 5: DRAINS

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In summary the tree is a nuisance, and we object to any protection order over this tree.

If you would like to discuss any of the above points, please feel free to contact me.

Kind regards

Yours sincerely

[Redacted signature]

**Clare & Adrian Pickersgill**



# APPENDIX 3

Environmental Services

Bromsgrove District Council

Crossgate House

Crossgate Road

Redditch

B98 7SN

**RECORDED DELIVERY F.A.O. Gavin Boyes**

26<sup>th</sup> February 2024

Dear Gavin,

## Town and Country Planning Act 1990

### Tree on land at 23 Hawthorne Drive, Hollywood, Birmingham, Worcestershire B47 5QT (TPO (3) 2024

We refer to your letter of 8<sup>th</sup> February 2024 in relation to the placing of a Tree Preservation Order on a tree at the above address and write to register our objection on the basis that the positioning and size of the tree in question does not meet the criteria to deem it 'in the interests of amenity' as it 'provides special amenity value' and draw your attention to the following:

Before making an Order, a local planning authority officer should visit the site of the tree in question and consider whether or not an Order is justified.

- We are not aware of any site visit to assess the tree in question. Without this we do not believe the authority is able to fully assess the amenity value of the tree concerned. If a visit has taken place, please advise the date and time of the visit and the details of the assessment made.

Orders should be used to protect selected trees if their removal would have a significant negative impact on the local environment and its enjoyment by the public and would bring a reasonable degree of public benefit in the present or future. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact.

- The tree in question is positioned at the very end of a private driveway tucked to the left-hand side of the driveway which serves four dwellings. The tree's position is to the side of our property backing on to two other gardens, is barely visible to the public and not accessible to the public and therefore not enjoyable in any way by the public. Indeed, for a member of the public to see the tree they would have to stand at the top of our private drive and purposefully look down the driveway to see the tree and certainly could not enjoy it from the public footpath. In summer months this view would be largely obstructed by a large tree located in a garden at the top end of the private driveway. Only residents in the four surrounding properties where the tree is positioned would gain any benefit from the tree and its position. We do not believe this would meet the criteria of amenity value or public benefit and do not believe removal would have a **significant** negative impact. To the contrary the residents who might enjoy it believe the tree to be too large for its position and an obstruction and invasion of light, sun, and enjoyment of their surroundings.

Public visibility alone will not be sufficient to warrant an Order. The authority should assess the particular importance of an individual tree including its size and form, future potential as an entity, rarity or historic value, contribution to and relationship with the landscape or appearance of a conservation area.

- The size and form of the tree is highly imposing in its inappropriate position in the landscape, located between three gardens and close to footings of dwellings and main sewers that run directly along the grass verge area where the tree is located. Its size and form has become too large for its position. The tree is not one of rarity only being planted when the site was built and so has no historic value and is not placed in a conservation area. We do not believe the tree to meet with the criterion of meeting an 'amenity value'.

Other factors that may be taken into account is its importance to nature, conservation or response to climate change.

- For winter months and until very late spring the tree is void of leaves and foliage and does not provide a habitat for wildlife to nest or to use as cover and protection. This is unlike the shrubs, trees and foliage in its vicinity which are highly active with wildlife and birds. The tree is not in a conservation area and due to its size and positioning is preventing the location of solar panels on two of the properties it obstructs and therefore one could argue is preventing a positive move for climate change management.

In addition to the above I would like you to take in to account that:

- The tree has not been managed and has become overlarge for its location and is not ideally located for its size.
- It casts a shadow of darkness for neighbors located at 26 Beech Road almost touching their windows and still has at least another 5/10 years of growth before reaching its full potential. Residents at this property are not able to enjoy natural daylight/sunshine in summer months due to the canopy of the tree or have solar panels installed.
- There is a main sewer running almost alongside the tree which have severely blocked in the past. Whilst this was resolved by Severn Trent it was not investigated whether the drains were becoming a problem because of the location of the tree to them and whether damage was being caused. With another 5 to 10 years of growth this is becoming an ever-growing concern.
- The tree size is such that the roots (that generally grow in line with its canopy) are in danger of encroaching on footings of both 26 Beech Road and 23 Hawthorne Drive.

We believe the objections above show that a Tree Preservation Order is not appropriate in these circumstances given it does not meet the criterion at any level for a TPO to be placed and is nothing but a nuisance for those in its vicinity.

Kind regards

Penny and Paul Conlon

23 Hawthorne Drive

# APPENDIX 3

27 BEECH ROAD  
HOLLYWOOD  
BIRMINGHAM  
B47 5QS.

7 MARCH 2024

DEAR MR BOYES.

TREE: 23 HAWTHORNE DRIVE, HOLLYWOOD, B476QT.  
REF: NGR 408684, 276805.

WE WOULD LIKE TO OBJECT TO THE PROPOSED  
PERMANENT TPO ON THE ABOVE MENTIONED TREE.  
THE REASONS FOR OUR OBJECTIONS ARE:-

- 1/ THE MAINTENANCE OF THE TREE HAS BEEN  
NEGLECTED OVER THE LAST 20 YEARS EXCEPT WHEN  
OUR NEIGHBOUR 26, BEECH ROAD HOLLYWOOD  
HAD THE TREE PRUNED. SINCE THEN THE TREE  
HAS GROWN BACK.
- 2/ THE TREE HAS NO AMENITY VALUE AT ALL  
TO THE AREA, DUE TO THE FACT IT IS POSITIONED  
AT THE BOTTOM OF A CUL DE SAC WHERE THE  
PUBLIC DON'T WALK BY.
- 3/ THE BRANCHES OF THE TREE IN THE WIND ARE  
CONSTANTLY FALLING ONTO OUR FRONT GARDEN  
AND DRIVE. DUE TO THIS WE CANNOT PARK  
OUR CARS ON THAT PART OF THE DRIVE.  
IF THIS TREE WAS TO FALL DOWN IT WOULD  
CAUSE EXTENSIVE DAMAGE TO ONE OR MORE  
PROPERTIES AROUND IT.

- 4/ ALSO WE ARE UNABLE TO USE THAT PART OF OUR DRIVE DUE TO THE NUMEROUS PIGEONS DOING THERE BUSINESS OVER OUR CARS IF THEY ARE PARKED THERE. WE HAVE TO CONSTANTLY CLEAN OUR DRIVE DUE TO THE MESS CAUSED BY THE PIGEONS.
- 5/ OUR FRONT LAWN IS AFFECTED BY THE ROOTS OF THE TREE DUE TO THE FACT THAT THE TREE IS ABSORBING ALL THE NUTRIENTS FROM THE LAND.
- 6/ IN THE AUTUMN THE LEAVES ARE A BIG ISSUE. AS WE GET LOTS FALLING IN THE GARDEN AND WE HAVE TO CLEAN OUR DRAINS OUT REGULARLY. WE HAVE TO TAKE THE LEAVES TO THE LOCAL TIP WE GET APPROXIMATELY 30-40 LARGE BAGS FULL EVERY YEAR.
- 7/ THE ROOTS ARE A MAJOR CONCERN OF OURS, AS OUR PROPERTY IS VERY CLOSE TO THE TREE. ALL THE MAIN SERVICES RUN DOWN HAWTHORNE DRIVE AND UNDER OUR DRIVE. WITH THE TREE SO CLOSE TO THE ROAD IN HAWTHORNE DRIVE WE FEEL THAT IT IS A CONCERN THAT THE ROOTS WILL BE OR IN THE FUTURE WILL AFFECT THE SERVICES.
- 8/ WE HAVE CONCERNS IF THE T.P.O IS UPHOLD AND MADE PERMANENT. THIS IS DUE TO THE FACT WE HAVE HAD EXPERIENCE OF SUBSIDANCE CAUSED BY AN OAK TREE BEEN TOO CLOSE TO PROPERTIES.



8/ CONTINUED:

WE FEEL IF THE TPO IS MADE PERMANENT  
AND WE DO GET SINKING IN THE FUTURE  
THIS COULD BE A MAJOR PROBLEM FOR ANY  
PROPERTIES AFFECTED.

IN SUMMER THE ROOTS ABSORB THE MOISTURE  
IN THE GROUND WHICH CAN AFFECT THE  
FOUNDATIONS OF THE PROPERTIES CLOSE BY.

SUMMARY

WE OBJECT TO ANY PROTECTION ORDER ON  
THE TREE.

YOURS SINCERELY.

A rectangular area of the document has been completely blacked out with a marker, obscuring the signature.

STEPHEN EVANS.

