

22 Fenton Road
Hollywood
Birmingham
B47 5LS

2nd May 2024

Dear Mr Boyes

Reference: Tree Preservation Order (7) 2024

We write regarding a recent Tree Preservation Order placed on trees located on land at the rear of 20 Fenton Road, Hollywood, B47 5LS.

We would like to object to the imposition of the TPO for the following reasons:

- The tree is, in our opinion, too large to be in a residential garden due to health and safety concerns. We have been experiencing very high winds and if the tree was to fall it would have major implications due to the proximity to the houses – both the owner's house but also those either side. If the tree was to fall and cause death or injury, would the council be held responsible as they have imposed the TPO? If damage was caused to property, would the council be liable to cover resulting costs to put things right, e.g. replacing fencing or fixing any other damage to property? These costs could be substantial. It is not right that the property owner or neighbours affected by such damage should be responsible for covering costs incurred due to issues with the trees cited in the TPO.
- In the recent high winds several sizeable branches have fallen into our garden, which is a health and safety risk to our visiting grandchildren and, more importantly, to the young family next door, where the trees are located. There is currently a large limb hanging loose which could fall at any time.
- We had a 2-year-old puppy who died in February of this year due to Meningoencephalitis of Unknown Origin (MUO). As the name suggests, it is not always easy to specify the way in which a dog contracts this condition, but our vet advised that a dog can contract an infection due to bacteria, viruses or parasites. The trees in the neighbouring property result in a large amount of bird droppings, particularly from pigeons, which can be dangerous to dogs.
- We were hoping to get another dog but are loath to do this due to the above and also because of the amount of acorns that fall into our garden each year, which are dangerous to dogs if ingested. The trees are therefore affecting the quality of our life in terms of our desire to have a pet.
- The effect the trees have on our daily life include:
 - The amount of fallen leaves and acorns we have to deal with each year. This is a very onerous task and due to our ages, this task will become more difficult to deal with as

time passes. The large amount of leaves and acorns we have to deal with is much more than can be disposed of via the brown garden bin provided by the council.

- We lose about 2 hours of sunlight in the summer months as the trees block the sun from our garden.
- We struggle to get things to grow in our garden as the tree roots take much of the nutrients and moisture from the soil.

We respectfully request that our concerns are put on record and given consideration prior to making the TPO permanent. It seems strange that a TPO can be imposed at the request of a couple of individuals who are not directly or adversely affected by the said trees. In the interests of fairness it would make sense to visit the properties affected to make an informed decision before imposing the TPO without prior consultation.

We look forward to receiving your response.

Yours sincerely

Appendix (3)

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

20 Fenton Road,
Hollywood,
Worcestershire,
B47 5LS

30th April 2024

Dear Mr Boyes,

Objection to the Tree Preservation Order

Further to the letter received on 4th April 2024 please accept this as formal objection to the tree preservation order placed on two trees (tree 1 and 2) in our rear garden of 20 Fenton Road, Hollywood, Worcestershire, B475LS.

We have recently purchased this property and completed 5 weeks ago. Prior to the house completion, searches were carried out by our solicitors, which concluded that no TPOs were placed on the trees. We also made a point of calling twice ourselves and spoke to your department in regards to these trees who also confirmed there were no orders on the trees.

Having the two large overgrown trees in the garden was a deciding factor on whether we would purchase the property, as our primary objective is to buy a house and have a family garden, which is a safe place for our children who are aged 3 and 1 to play. As we received confirmation there were no TPOs on the trees we decided to put an offer on the house as by removing the trees, this would become our dream family home. We would have not purchased the property if there was a TPO.

Firstly, you have stated that the reasons for making the order are because the trees provide special amenity value. Both tree 1 and 2 are in the middle of our rear garden so are not prominent features or clearly visible to the public. They have also been heavily lopped in the past, with multiple large branches hacked down, making them an eye sore and an unpleasant view. In addition, the base of tree 1 has three chainsaw incisions where someone has previously cut ivy away. If tree 1 were to fall down it would most certainly cause damage to our property.

Our major concern is the danger they could potentially cause, especially to our small children. The size and scale of the trees are not suitable for a family garden where the children have no choice but to play under the trees. Branches could fall off at any time and severely injure or at worst kill our children. We currently feel constantly anxious when our children go in the garden, worried what could potentially fall from the trees. In the high winds a few weeks ago, branches fell; fortunately, our children were not in the garden. With the current size and state of these trees, we would not allow our children to play in their own garden when it is windy as it is a safety risk.

Another concern we have is the amount of pigeons in the trees. As you are most likely aware, pigeon droppings can be very harmful to people, in particular vulnerable people. Our children may come into direct contact with pigeon droppings, whilst they are playing in the garden as they have no choice but to play under the trees, which could ultimately result in them becoming very ill.

The neighbours either side of us were delighted when we informed them that we were planning to remove the trees as the trees are large, block out their light in the garden as well as constant branches and acorns falling into their garden, which they have raised to us as being a safety risk. The trees are too big and unsuitable to be in a family garden.

Do you think tree 1 and 2 are suitable trees to be in a family garden with the known safety risks and the limited amenity value to the public?

Thank you for the opportunity to appeal the TPO.

I sincerely hope you give this appeal full consideration.

Kind regards

3.9(H) In The Case Of A Listed Building Deliberately Allowed To Fall Into Disrepair, A Compulsory Purchase Order With A Direction For Minimum Compensation

NO

3.9(I) A Building Preservation Notice

NO

3.9(J) A Direction Restricting Permitted Development

NO

3.9(K) An Order Revoking Or Modifying Planning Permission

NO

3.9(L) An Order Requiring Discontinuance Of Use Or Alteration Or Removal Of Building Or Works

NO

* 3.9(M) A Tree Preservation Order *

NO

3.9(N) Proceedings To Enforce A Planning Agreement Or Planning Contribution

NO

Informative Information

WHERE RELEVANT: NATIONAL PARK AUTHORITIES ALSO HAVE THE POWER TO SERVE A BUILDING PRESERVATION NOTICE, SO AN ENQUIRY SHOULD ALSO BE MADE WITH THEM.

WHERE RELEVANT: CADW (MEANING "TO KEEP" OR "TO PROTECT") IS THE WELSH GOVERNMENT'S HISTORIC ENVIRONMENT SERVICE WORKING FOR AN ACCESSIBLE AND WELL PROTECTED HISTORIC ENVIRONMENT FOR WALES. ADDITIONAL ENQUIRIES SHOULD ALSO BE MADE WITH THEM AT: WELSH GOVERNMENT, PLAS CAREW, UNIT 5/7 CEFN COED, PARC NANTGARW, CARDIFF, CF15 7QQ.

IN THE CASE OF LONDON BOROUGH: THE HISTORIC BUILDINGS AND MONUMENTS COMMISSION (ENGLISH HERITAGE) ALSO HAD THE POWER TO ISSUE BUILDING PRESERVATION NOTICES FOR LISTED BUILDINGS IN LONDON BOROUGH. FOR FURTHER INFORMATION CONTACT THE RELEVANT LOCAL AUTHORITY.

MATTERS ALREADY ENTERED ON THE LOCAL LAND CHARGES REGISTER WILL NOT BE REVEALED IN ANSWER TO THIS ENQUIRY.

▶ SECTION 3.10 COMMUNITY INFRASTRUCTURE LEVY (CIL)

NONE IDENTIFIED 

3.10(A) Is There A CIL Charging Schedule?

NO

3.10(B) If, Yes, Do Any Of The Following Subsist In Relation To The Property, Or Has A Local Authority Decided To Issue, Serve, Make Or Commence Any Of The Following:-:

3.10(B)(I) A Liability Notice?

NO

3.10(B)(II) A Notice Of Chargeable Development?

NO



Appendix (3)

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

Dear Mr Boyes,

Further to the temporary order placed on April 4, 2024 (Tree/s on Land at: Land Rear Of 20 And 28 Fenton Road, Hollywood, Worcestershire, B47 5LS), please accept this as a formal objection to T1 & T2 in the rear of 20 Fenton Road, B47 5LS. Please note we have no objection to T3.

Reasons for objection:

We bought our property on Fenton Road just over two years ago, and we love our house and the community. T1 & T2, located in a neighbouring property, must be about the only thing we do not love. I can speak for most, if not all, of the residents nearby that these trees are a big nuisance due to their size. They unleash a considerable amount of leaves and acorns covering our gardens and destroying our lawns and flower beds. Our children love playing in our garden, and we try our best to keep the garden looking nice for them, which is proving very difficult due to T1 & T2. 12 months ago, we had (T1) pruned back to try and limit the leaf fall. Still, we feel this has had no or minimal impact; in fact, along with other attempts to prune the tree in the past by others it has left the tree looking very strange and not very nice to look at; many visitors have commented that the tree isn't very pleasing.

The last and most important reason for our objection is our children's safety when playing in the garden. We moved here because of the garden and had never experienced living so close to a large oak tree before, so we were unaware of the nuisance and dangers until now. Recently, with the heavy winds we experienced, an alarming number of large branches fell from the tree and landed in our garden near where our children play in their sand pit and on the trampoline. This has truly scared me and my partner to think such branches could fall and land on our children or their friends when they play in our garden.

Thank you for the opportunity to appeal this tree preservation order.

We hope this is enough to encourage the council to form a decision in our favour.

18 Fenton Road, Hollywood, Worcestershire, B47 5LS

Appendix (3)

16 Ferbon Road
Hollywood
B47 5LS

6 May 2021

For the attention of Gavin Bayes
Bromsgrove District Council

Tree Preservation Order (T) 2024 - land at rear of
20 Ferbon Road

Further to the above preservation order I would like to strongly support the removal of the 2 oak trees in the rear garden of 20 Ferbon Road B47 5LS identified as T1 408368, 277217 & T2 408365, 277213.

Whilst these trees would be fine in an appropriate setting eg parkland or large open space they are totally inappropriate for a rear garden, particularly where there are young children.

I live 2 doors away and the trees encroach on my garden both in terms of shedding leaves and casting shade. More importantly they shed branches which to date have been relatively small but I am concerned about the safety of my two grandsons (aged 8 + 10) who like to play in the garden.

I have trees to the bottom of my garden which I endeavour to maintain but as said above the trees in the garden of No 20 are completely inappropriate and potentially dangerous.