

# Oxford City Council - Burgess Mead (No.1) TPO,

14/00001/ORDER



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	09 January 2014
<b>SLA Number</b>	Not Set

17 Burgess Mead  
Oxford  
OX2 6XP

Ref : 14/00001/ORDER

06 February 2014

Dear Sir/Madam

The following comments are in response to the provisional TPO issued on 10th January 2014 at the address above.

Prior to purchasing this property, we confirmed with the council that there were no restrictions on what we could do with the tree (see attached letter from Oxford Planning Dept) We sought professional opinion from a local arboriculturalist (Sylva Trees), who had worked on the tree before, and his advice was to have the tree removed. Out of respect for our neighbours we also consulted them and gained their support. We then acquired the property with the knowledge that we could legitimately remove the tree and transform the house into the family home we wanted. We are now somewhat dismayed that our plans are in jeopardy as a result of this provisional TPO.

Having considered the comments of the objectors and the tree officer, we feel that the value of the tree as an amenity is being overemphasized at the expense of those who have to live with it on a daily basis. Contrary to an objectors comment that "the tree is appreciated by the whole estate" - the people who are affected by it most can confirm that it is not. In any case, the tree is really only visible from the canal side as the crescent of houses largely masks it from the rest of the estate. We feel that it is unfair that we are expected to put up with the problems it causes so that passers by can enjoy a few seconds appreciation of yet another willow tree (there are dozens within a few minutes walk).

When considering the suitability of the tree in it's setting in a small townhouse garden, any rational person would agree that it is totally inappropriate. The tree and it's branches completely cover our whole garden and this has a significantly negative effect on our lives. The tree is overbearing and totally dominates two gardens. Even without it having any leaves, very little light gets through to the garden or our home which creates a gloomy environment and causes us to require the lights on most of the time, indeed all of the time when the tree has leaves.

We are keen gardeners/allotmenters and our ability to grow things and bring on seedlings as we had hoped to do will be much reduced if the tree remains. Everything in and around our garden struggles to grow beneath the canopy including several silver birch planted canal-side which, if allowed to grow, would be far more suitable for the location. Our "lawn" is no more than a patch of mud strewn with fallen debris, out of which, numerous tree roots protrude causing an unsightly trip hazard. The roots have also caused our paving to heave, the shed to distort and there is the possibility of damage to the foundations if allowed to remain.

Since we moved into the property, numerous branches have fallen off, some of which would certainly have badly hurt a child and we are not assured that something even more substantial will not fall in the future. Our garden, therefore, is not a place that we can confidently encourage our children to play.

We would like to be able to enjoy our garden as others do and I'm sure that the majority of any objectors would not be prepared to live with a similar tree so close to their own property. The tree is not positioned at the end of a long garden like the others in the area, it is so close that we effectively live beneath it.

Our plans for the future also included the erection of a ground floor extension with a glass-topped lantern, similar to those that have just been completed in three other houses in the crescent. The continued presence of the tree would effectively prevent us from doing this due to the impracticality of having a large tree above a glass structure.

In summary, the tree is simply in the wrong place. If the TPO is confirmed then we feel that the balance between the tree's public amenity value and the detrimental effect it has on several residents' homes is weighted unfairly.

The most reasonable course of action would surely be to remove the willow and either allow the silver birch trees, already in situ, to grow unrestricted as a natural replacement or replace it with a more suitable tree.

Yours faithfully,

A D PUGH  
L J PUGH

Adrian Pugh and Family

**CALDICOTT Kevin**

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**From:** [REDACTED]  
**Sent:** 06 February 2014 22:20  
**To:** CALDICOTT Kevin  
**Subject:** Fwd: Tree Preservation Orders at 17 Burgess Mead

Begin forwarded message:

**From:** "COUGHLAN Ciaran" <[CCoughlan@oxford.gov.uk](mailto:CCoughlan@oxford.gov.uk)>  
**Date:** 4 September 2013 10:10:10 BST  
**To:** <[adepugh@gmail.com](mailto:adepugh@gmail.com)>  
**Subject:** **Tree Preservation Orders at 17 Burgess Mead**

Dear Ade,

Our records show that there are no Tree Preservation Orders for trees within the curtilage of 17 Burgess Mead.

The property is outside any conservation area but only just! The North Oxford Victorian Suburb Conservation Area stretches across the canal, covering the towpath, but stops just short of the property boundaries at Burgess Mead. However, if a tree is located in the Conservation Area it is protected by default and no work is allowed without approval from the city council. This applies even if the branches overhang an area outside the Conservation Area.

I would like to thank you for taking the time to check with us first and please feel free to contact me again should you need further clarification.

Yours sincerely,

Ciarán Coughlan

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