

KENILWORTH ROAD CONSERVATION AREA

COVENTRY CITY COUNCIL RULES AND REGULATIONS FOR THE PROTECTION OF THE KENILWORTH ROAD SPINNEY



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Background

Kenilworth Road has been described as the finest approach to any city in the British Isles. It was designated a Conservation Area in December 1968 and extends from the City boundary south of Gibbet Hill Road in a north-easterly direction for approximately 4.8 Km (3 miles).

The magnificent mature spinney ("the Spinney") that lines almost the whole length of the Kenilworth Road out to the city boundary, forms the backbone of the Conservation Area.

Since the Coventry Corporation purchased the Spinney, along with other land, in 1926, the Spinney has been public land and has been maintained for the public benefit by Coventry City Council ("the City Council").

Reason for these Rules and Regulations

1. The woodland of the Spinney on either side of Kenilworth Road is cut across by many driveways giving access to properties in Kenilworth Road. Typically, householders have limited easement rights which allow them to access their properties over the driveways, whilst the driveways remain City Council land.
2. Over time, particularly in recent years, some householders have introduced gates, pillars and splays, flanking walls, fencing, CCTV cameras, intercom systems, and lighting columns onto the driveways. These features/structures are all present without the approval of the City Council, and constitute a continuing trespass to City Council land.
3. These features/structures often involve an unsightly detraction from the character of the Conservation Area. Both residents and visitors to the area have expressed concern that the character of Kenilworth Road is changing, as the gates, pillars and walls are visually disruptive to the greensward and are beginning to 'suburbanize' this sylvan landscape. The gating also gives the impression that the Spinney is not available for public access and may now actually belong to residents whose houses lie behind the Spinney, which of course is not the case.
4. Construction of the features/structures has often caused damage to tree roots and in some instances, splayed fencing has resulted in the removal of native hedging. In addition the gates, many of which are electronically controlled, restrict access to the woodland for tree surveyors, tree surgeons and visitors. As a matter of principle, the Council considers that gates and security features should be erected only at the householders' entrances to their own property, which may lie some forty metres back from Kenilworth Road itself.

5. There is an increase in the amount of unnatural light in the Spinney, where householders have chosen to install lamps to illuminate the driveways. This unnatural light is disruptive to wildlife, and the cables that supply the power are usually trenched-in along the edge of the driveways, damaging tree and shrubbery root systems.

Rules and Regulations as to acceptable and unacceptable features/structures on driveways within the Kenilworth Road Spinney.

Marker posts

Size, materials and form: The only acceptable feature/structure at the front edge of the Spinney next to Kenilworth Road will be a marker post of the type originally used; that is a single wooden marker post, up to 150 mm square (and not significantly less) and up to 1.0 metre high, situated at the end of the driveway. The post must not project forwards of the hedge or planting line at the front edge of the Spinney, and a post made of metal, plastic or other man-made/synthetic materials will not be acceptable. Some of the surviving original posts have simple pyramidal or curved tops, and some feature simple carving at the top to provide a kind of integral cap, either of which forms would be acceptable for new marker posts.

Coatings: The wooden marker post can be left unpainted, or painted black, dark brown, dark green or white.

Reflectors: In order to make the post more visible at night, it will be permissible to attach a reflector of modest size to the post (i.e. a circle, triangle, or a narrow rectangular strip, in no case exceeding 12cm in any dimension and not overlapping the face of the post) to glow in vehicle headlights. House numbers can also be attached to the post, or small plaques carrying the name of the houses, provided these do not extend beyond the width of the post itself. All such attachments should be low-key in the daytime, allowing the post to retain a predominantly natural wood appearance and thus blend comfortably into the Spinney's edge.

Quantity: As a special exception, it is permissible to erect a post on each side of the driveway, where the driveway is shared between 2 or more houses.

Lighting

No lighting columns, lights mounted in bollards or similar constructions will be permitted within the Spinney.

Cameras and other security equipment/Excavation

No CCTV cameras, intercom systems, warning signs, electric gate-opening equipment and other security-related devices or equipment will be permitted within the Spinney.

Trenching along the edge of the driveways and other excavation of any sort is forbidden in the Spinney.

Services/Utilities

Unless an express easement has been granted which allows this, no underground services (e.g. pipe-work, cables and other utilities) are permitted to run through the Spinney.

Garden and Other Refuse

No tipping, dumping or burning of natural garden residues or any other refuse is permitted within the Spinney, whether on a permanent or temporary basis. The only exception to this rule is the return to the woodland of Autumn leaf fall from the Spinney trees, which should be well spread out and not piled up in one place or left to accumulate in heaps.

The lighting of fires within the Spinney is not permitted for any reason. There is evidence that many such fires have badly burned the stems of trees, rendering them potentially dangerous and often killing them.

Removal of Trees and Other Vegetation

No householder is permitted to remove existing trees, shrubbery or undergrowth in the Spinney. Further, householders are not permitted to cut or lop trees, perform tree surgery, or to cut or remove under-storey or herbaceous vegetation within the Spinney. This includes the removal of wood for purposes such as firewood.

All tree-related health and safety issues will be assessed by the City Council either through cyclical inspections, ad-hoc site visits or investigating general enquiries and the appropriate action taken. However, householders may make arrangements to prune encroachment onto their property by Spinney trees subject to obtaining permission from the Council's Planning Section.

The City Council's policy is for felled or fallen wood in the Spinney to remain in situ to degrade through natural processes but householders may remove fallen wood from the driveway to the side of the driveway.

New Planting

No planting by householders is permitted within the Spinney. This includes encroachment upon/colonization of the Spinney borders along the access drives by planting of ornamental shrubs, flowers, etc., to provide perceived enhancement.

Such planting may subsequently spread into the adjacent woodland and smother native species.

Structures

Nothing may be attached to any tree or shrub in the Spinney. No permanent, semi-permanent or temporary structures are to be erected within the Spinney, such as tents, sheds, barbecue sites or children's dens and play equipment. The ban includes plastic slides and structures in the tree canopies, such as ropes/swings, climbing apparatus or tree houses. Ropes are often left in place after use, which may eventually sever the tree limb.

Alterations to Driveways

Driveways within the Spinney may not be widened, re-aligned, extended with new arms or otherwise altered in such a way as to encroach further upon or compromise the Spinney. There must also be no additions within the Spinney such as turning points, loading areas or parking bays.

No alternative soft or hard accesses over the Spinney will be permitted, either on a temporary or permanent basis, except temporarily with written consent of the City Council where there is a need to open up an overgrown right of way.

Compliance/Enforcement

It is expected that, with immediate effect, householders will respect and observe these Rules and Regulations when planning or executing any new works to a driveway which crosses the Spinney. The City Council will monitor compliance and enforce these Rules and Regulations where it considers it appropriate to do so to secure compliance, if necessary by court action. This is essential to ensure that the nationally important woodland of the Spinney is conserved for the benefit of future generations, retaining the integrity of a native woodland with outstanding amenity and landscape value so that it will remain a permanent visual and recreational asset on this important entrance route into the City.

As regards existing infringements of these Rules and Regulations at the time of circulation of the Rules and Regulations to householders in April 2013, the City Council hopes that as good neighbours of the Spinney, current householders will take responsibility for past actions and bring the driveways into compliance voluntarily within 90 days from 5th April 2013. However, the City Council reserves the right to enforce these Rules and Regulations in relation to existing infringements where it considers it appropriate to do so, if necessary by court action. As an immediate measure, pending removal of gates installed at driveway entrances to Kenilworth Road, the City Council expects that householders will leave these gates open at all times so as not to obstruct public access to the Spinney.

Exceptional cases: The City Council recognizes that in the very few cases where householders purchased the strip of land on which their driveway through the

Spinney is situated, the City Council is unable to exercise total control over actions/matters affecting the driveway. However, such actions/matters will be subject to normal planning requirements (as applicable), and the City Council will not tolerate any encroachment on, or nuisance to, the City Council's neighbouring land within the Spinney.

The Council of the City of Coventry

5th April 2013