

Report of the Development Control Manager

Countryside Items

Objection to Taunton Deane Borough (Wellington No.1) Tree Preservation Order 2008 at 11 High Path, Wellington. TD1044, T1 Beech

Objections received from:-

- a) Mr D Bailey, 11 High Path (owner of the tree)
- b) Mr J Trueman and Mr R Payne, 42 Richards Close, Wellington (in the process of buying 11 High Path)

The Tree Preservation Order (TPO) was served in response to a proposal by J Trueman and R Payne to have the tree felled once they had become owners of 11 High Path. Knowledge of their intention was received from 3 tree surgeons who, having been asked to quote for the work, contacted the Landscape Technician at Taunton Deane Borough Council to ascertain whether the tree was protected by TPO.

The reasons for the objections are summarised below:

- c) The tree is a health and safety risk to people and property
- d) It is an inappropriate species and size for the location
- e) It restricts the use of the garden
- f) It is/will be costly to maintain and insure
- g) It is adversely affecting a grade II listed building, wall and garden.
- h) It blocks light from adjacent properties and its branches are growing very close to those properties
- i) A similarly large tree would not be maintained by the local authority where the public were at risk
- j) The timing of the serving of the TPO was inappropriate, with regard to the sale of the house
- k) The owner of the tree was not notified at the same time as the buyers and other parties

Officer's Comments

This beech tree, from visual inspection on the ground, appears to be in good health with good trunk and branch structure and an appropriate density of healthy buds for the species. It has had some crown reduction work in the past, and some of the lower branches have been removed, particularly on the northern side. One major branch has been removed from the north side at about 8 metres from the ground, which appears not to have healed fully and would require closer inspection to ascertain the extent of any rot that may exist there. It should be noted that none of the 3 tree surgeons who contacted the Landscape Technician reported any obvious defects with the tree.

The tree is surely over 100 years old, possibly considerably older. At a height and spread of approximately 18 to 20 metres, and growing in this elevated position (the front garden of

11 High Path), it is highly visible to the general public, particularly from the adjacent main road (B3187 Station Road) but also from the wider distance. It therefore makes a significant contribution to the 'treescape' of Wellington, and is very much part of the Victorian character of this part of town. Its removal would impact on the local environment and its enjoyment by the public, and to truly replace it would obviously take many years.

To address some of the other points raised by the objectors:-

- i) No evidence has been provided to show that the tree is adversely affecting the grade II listed building, either directly or indirectly (through subsidence). The adjacent wall and garden are not listed in any way. The Conservation Officer has been made aware of the TPO and supports it. Neither has any evidence been provided to show that the neighbouring property (12 High Path) is being adversely affected by the tree. The tree is approximately 8 metres away from both buildings, which, when using current guidelines for assessing trees for TPO (see Notes below) is far enough away for the tree to be considered for TPO.
- ii) The tree will restrict to an extent the use of the garden below, but should be thought of as an asset, and the garden designed in harmony with it.
- iii) It is agreed that tree maintenance can be costly if carried out by suitably qualified professionals. As the general rule for mature trees is 'the less you do to them the better' it is hoped that maintenance would be restricted to annual inspections and possibly very light crown reduction/balance/thinning in the near future.
- iv) With regard to insurance, property owners' liability is part of home insurance and typically covers the owner for up to 1 million pounds worth of damage.
- v) Similarly large trees, often close to busy thoroughfares or buildings, are maintained by local authorities, with regular inspections carried out by their arborists to keep them in as healthy and safe a condition as is possible.
- vi) With regard to the timing of the TPO, it is often difficult to predict how imminent the threat to a tree is, and any delay in serving the TPO may mean that the tree is lost.
- vii) With regard to the alleged lack of notification of the owner, letters were sent out to all concerned parties on 29 February 2008, including one registered post to the owner at 11 High Path. Unfortunately it is admitted that the name, which had been provided by Mr Trueman and Mr Payne, was wrong. However, the letter was never returned to Taunton Deane.

Large trees like this beech are scattered amongst properties throughout many of the older parts of Taunton Deane's towns, not least the conservation areas such as Trull Road, South Road and Haines Hill in Taunton. This authority has a duty to protect these high amenity trees for the future, whilst at the same time encouraging new generations of trees. To allow the beech tree at 11 High Path to be felled would set a precedent that may make it difficult to protect other fine old trees throughout the district when the need arose.

RECOMMENDATION

That the Tree Preservation Order be confirmed.

Notes

Two systems have been used to help to assess the tree's suitability for statutory protection by TPO, one devised by the Wessex Tree Officers Group, and one devised by CBA Trees (arboricultural consultants) called Tempo – Tree Evaluation Method for Preservation Orders.