

Report of the Development Control Manager

Countryside Items

Objection to Taunton Deane Borough (Taunton No.2) Tree Preservation Order 2009 at 11 Denmark Terrace, Taunton – TPO TD1058, T1 Birch, T2 Ash, T3 Apple

Objection received from:-

Andrew Paul of Swan Paul Partnership Ltd, Landscape Architects, acting on behalf of the owner of the site.

The Tree Preservation Order (TPO) was served following notification from a near neighbour that the site was to be sold for development, and following discussion with the Planning Team regarding their pre-application meeting with the prospective new owner.

The reasons for the objection are summarised below:-

- a) None of the trees make a significant visual impact from a public accessible space, one of the main criteria for serving a TPO.
- b) The ash has a poor structure, is likely to damage the adjacent retaining wall and makes little visual contribution to the area due to adjacent trees growing on Council-managed land.

Officer's Comments

11 Denmark Terrace is a reasonably large end-of-terrace Victorian house with a well-established garden that contained 7 trees. The 3 trees in the front area of the garden were included in the TPO; the apple, cherry and lilac trees that were not included in the TPO have now been felled.

The trees are in good health. Although not the most prominent of trees, they are visible to the people who live in the surrounding properties, particularly those living in the numerous flats to the south and the immediate neighbours to the east. They are visible from the public path that leads to the properties in Denmark Terrace and from Enmore Road.

The birch (T1), at 12 metres, is the most visible tree. It is a good specimen with 'good potential to develop'.

The apple (T3) is a fine old tree with a broad and dense crown producing much fruit (according to a neighbour). Whilst not highly visible it is part of the Victorian character of the garden and the terrace, and doubtless provides much food and habitat for the wildlife that is appreciated by the local residents and contributes to the trees' amenity value.

Further to the above objection and a more considered assessment of the trees, it is agreed that the ash tree (T2) does not merit inclusion in the TPO for the reasons stated in the objector's letter. Its removal will make the apple more visible.

RECOMMENDATION

The Tree Preservation Order be modified to omit the ash tree (T2) and confirmed to include the birch (T1) and apple (T3).

Schedule 1

Specification Of Trees
Tree specified individually
(encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
T1	Birch	In the southern part of the garden S12278 2613
T2	Ash	ST2278 2613
T3	Apple	ST2278 2614

Trees specified by reference to an area
(within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
None		

Groups of Trees
(within a broken black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
None		

Woodlands
(within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
None		

Taunton Deane Borough Council

Town and Country Planning Act 1990
Tree Preservation Order Regulations 1999

(Taunton No.2)

11 Denmark Terrace

Tree Preservation Order 2009

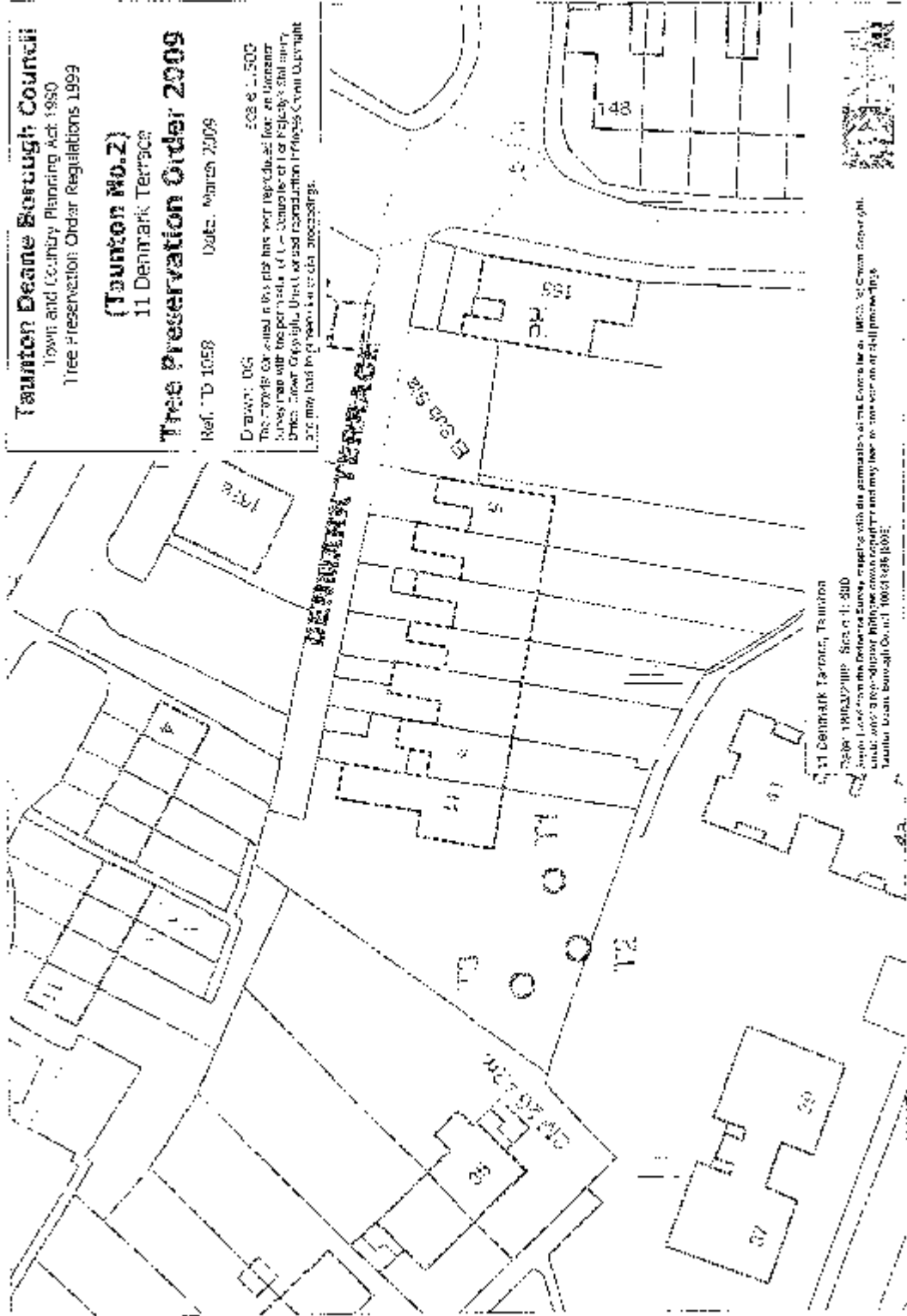
Ref: T/1058

Date: March 2009

Drawn: DG

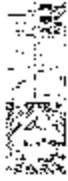
Scale: 1:500

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11 Denmark Terrace, Taunton

Scale: 1:500
Date: 10/03/09
Drawn: DG
Checked: DG
Author: DG



your ref: DJ/R/58/PD/22/876/TD1068

our ref: RAP/1480/A

21 April 2009

Legal and Democratic Services
The Doane House
Belevedere Road
Taunton TA1 1HE

for the attention of Mrs D Hallows

Dear Madam

**TOWN AND COUNTRY PLANNING ACT 1990
TAUNTON DEANE BOROUGH (TAUNTON NO 2)
TREE PRESERVATION ORDER 2009 AT DENMARK TERRACE**

I have been instructed to object to the Tree Preservation Order served on 28 March 2009 at 11 Denmark Terrace, Taunton. The trees protected described are as follows:

T1 Birch (*Betula pendula*)

A young well balanced and thin tree, approximately 12 metres tall with good potential to develop. Trunk diameter at 1.5m is 300mm. Does not make any impact from outside garden

T2 Ash (*Fraxinus excelsior*)

This is probably and possibly from the adjacent growing close to a poor quality retaining wall. It divides at about one metre into two trunks and then further divides making a poor quality tree. It makes little visual contribution to the area as an older and larger ash screen it from the adjacent flats. If allowed to remain the roots will push the retaining wall over. Trunk diameter at 1.5 is 2 x 300mm, height approximately 12 metres

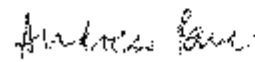
T3 Apple (*Pyrus sp*)

An old cooking apple tree of character that has several branches removed in the past. A small amount of rot is present but not considered serious at this stage. Divides at 0.5 metre into 2 trunks. The crown is unbalanced and is very dense. It requires substantial thinning and balancing in accordance with good arboricultural practice. Due to the surrounding vegetation it makes no visual contribution to the surrounding area

The Guidance notes Tree Preservation Orders: A Guide to the Law and Good Practice for the allocation of TPO trees published by Department of Communities and Local Government notes that *'the trees or part of them, should normally be visible from a public space, such as a road or footpath'*. None of the trees make a significant visual impact from a public accessible space that is one of the main criteria for giving the tree a TPO status.

For this reason and the comments about the trees we wish to object to the orders being placed on T1 Birch, T2 Ash and T3 Apple

Yours faithfully



Andrew Paul
for Swan Paul Partnership Ltd

cc J Chiddie, Avant Properties
A Colas Avant Properties
V Turner, White Young Green


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