

38/2006/563T

MR GEOFFREY BAILEY

**APPLICATION TO FELL ONE FOXGLOVE TREE INCLUDED IN TAUNTON DEANE BOROUGH (TAUNTON NO. 3) TREE PRESERVATION ORDER 2006 AT BERNARD TAYLOR HOMES, MAGDALENE STREET, TAUNTON (TD 1017)**

323072/124653 FELLING OF TREE(S) COVERED BY TREE PRESERVATION ORDER

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**PROPOSAL**

Permission is sought to fell a Foxglove tree (*Paulownia tormentosa*) growing in the courtyard of Bernard Taylor Homes and replant with a more appropriate species. The application is being made by a resident of Eastgate Gardens who is affected by the tree. The applicant argues that the tree casts heavy shade on his flat, requiring the use of artificial lighting during the day. The owner of the tree, Taunton Town Charity support the application to fell and have offered to plant a *Paulownia* on one of their alternative sites in the area, in addition to planting a replacement at Bernard Taylor homes.

**CONSULTATIONS AND REPRESENTATIONS**

THREE LETTERS OF SUPPORT have been received, raising the following issues:- the tree casts heavy shade on the neighbouring properties. Its leaves are particularly large and when they fall produce a slippery mass that is a hazard, particularly as the residents are elderly; the fallen leaves also leave a slimy residue on cars and car windscreens; the roots appear to be lifting the adjacent tarmac path used by the elderly resident to get to the disabled buggy store; this is a hazard; the tree encourages insects and dust; the owner of the tree, Taunton Town Charity, supports the application.

**ASSESSMENT**

It is considered that the issue is whether the amenity, provided by the tree, and enjoyed by some, is significant and sufficient to override the wishes of those who live close to the tree and have to suffer the problems it causes.

The Order was served in November 2006 when the Council was made aware that the tree was under threat. It is considered that the tree has significant amenity value. It can be seen from the properties that surround the courtyard, the entrance to Eastgate Gardens from Tancred Street and can be glimpsed through the gap between Bernard Taylor Homes and Eastgate Gardens from Magdalene Street. It is not highly visible but is in an urban area where trees are scarce and the establishment of new trees is difficult. *Paulownias* are uncommon species. The tree has undergone tree work in the past and as a result has a poor form. However, pollarding or alternative tree work could overcome this. There are cultural justifications for pollarding *Paulownias*. In assessing the amenity value of the tree the

'Heliwell System' has been used. The tree scores 62 points out of 84, where a score of over 58 indicates a tree worthy of protection.

The problems caused by the tree are to do with it being regarded as too close the building and being of an inappropriate species where elderly people frequent. The tree is about 8 m tall with a spread of about 10 m. Lateral branches are within metres of the flats on the south side and it is considered that the tree blocks out light for much of the day during the growing season. No evidence was found that the tree is causing damage to property. Paulonias have exceptionally large leaves and it is considered that they are likely to present problems to the elderly if not cleared away.

It is considered, that in balance, the reasons for felling the tree are not sufficient to outweigh the amenity afforded by it and enjoyed by some. The problems caused by the tree can largely be removed, either by pollarding or crown raising. There is no evidence that the tree is causing damage to property.

Pollarding will reduce the size of the crown considerably, allowing light to the windows of the flat. Crown raising the tree will have the effect of lifting the bulk of the vegetation above the eaves and although shade will still be cast on to the flats, this will be less dense and views out under the canopy will be possible.

The problems caused by the leaf litter are a nuisance but only for a short time in the Autumn and can be resolved by the leaves being swept up regularly. It is understood that is onerous for the residents but it is not reasonable for permission to be given to fell trees because they drop leaves. The problem with insects and dust will be reduced if the limbs of the tree are away from the facades of the flats. The damage to the tarmac is not considered significant, and tree work will help to reduce future damage caused to the paved surface and the buildings. Although the owners have offered to plant an additional replacement tree this will not easily replace the loss of amenity.

## **RECOMMENDATION**

Permission be REFUSED for the reason that the tree has a high amenity value. Note re an application is made to either pollard or crown raise the tree.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: 356493 MR P BRYAN (WEDS, THURS, FRI)**

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