

38/2004/449T

MR & MRS S ROBINSON

APPLICATION TO FELL ONE ASH TREE INCLUDED IN TAUNTON DEANE BOROUGH (STOKE ST MARY NO.2) TREE PRESERVATION ORDER 1984 AT 16 KILLAMS CRESCENT, TAUNTON (TD 312)

2381/2281 FELLING OF TREE(S) COVERED BY TREE PRESERVATION ORDER

PROPOSAL

The application proposes to fell a protected ash tree at the rear of the property.

The tree was protected in 1984, before the development of Killams Crescent. The current owner wishes to sell the property. The prospective buyer's building surveyor has reported that the tree is closer than the 2/3 mature height recommended by the Council. The prospective purchaser would like to be assured that the tree could be felled before buying the property. The owner wishes to have permission to fell or reduced the height of the tree to enable the property to be sold.

The owner made an earlier application, in August this year, to reduce the height of the tree by 50%. The case officer advised the applicant that this work would not be approved and recommended that the application should be withdrawn and a new application made with the proposal to fell the tree. This the applicant has done.

At the December Committee meeting this item was deferred. The Planning Committee were unclear to which trees the Tree Preservation order applied.

The location of the protected tree is not clear. The Tree Preservation Order shows the tree located on the junction of the boundaries with the properties to the north and east of 16 Killams Crescent. There is no significant tree in this location. There are two significant ash trees within the hedge about 10 - 12 metres to the west and it is assumed that one of these trees is the protected tree. The tree closest to the position shown on the order should be assumed to be the protected tree. The adjacent ash tree is unprotected and the owner may fell the tree without obtaining consent.

CONSULTATIONS AND REPRESENTATIONS

FIVE LETTERS OF OBJECTION have been received raising the following issues:- the residents to the west of the property, who jointly own the green space adjacent to the tree have expressed the opinion that the trees contribute highly to their amenity; they would however be happy for the tree to be reduced in height; one representation reports that the trees are ancient; many of the representations are confused that, only one of the ash trees is protected by a tree preservation Order and why there was an earlier application to reduce the trees by 50%.

LETTER FROM WARD COUNCILLOR raising the following points:- the tree contributes to the amenity of the area and is not dangerous; the owners of the adjacent properties do not wish to see the trees felled and neither does the applicant; the reported requirements of the building surveyor that the trees are too close to the property and should be reduced by 50% should be challenged in light that the buildings were constructed in recent decades and the trees would have been large at that time; the tree could be satisfactorily reduced by 15%.

POLICY CONTEXT

Taunton Deane Local Plan Policy EN5 - Development which would harm trees, woodlands, orchards, historic parklands and hedgerows of value to the area's landscape, character or wildlife will not be permitted unless adequate provision is made for tree cover to compensate for this loss.

ASSESSMENT

The tree is one of a pair of ash trees emanating from an old hedgerow. Only one tree is protected. The protected tree is about 20 m tall and is about 10 m away from the house, it appears to be in good health at present. Current planning guidance would not permit building this close to the tree.

The tree appears to have developed from hedgerow material. The root system will most probably be older than the trees themselves. The line of the hedgerow remains but the trees are suppressing other hedgerow plants. There are numerous shoots coming from the base of the trees one stem being 2 m in height. The tree has few low limbs and it would be difficult to reduce the height of the tree greatly without creating a butchered appearance. The tree provides amenity to Killams Crescent. There are many other trees in the area, some old pre development trees and some recently planted trees that are beginning to have a strong impact upon the scene. The loss of the tree would be particularly noticeable from the entrance to Killams Crescent but would be less noticeable elsewhere because of the amenity afforded by other trees in the neighbourhood.

The tree has a limited future as large specimen. It has developed from former hedgerow material, rather than growing as a maiden tree, and is subsequently less well secured in the ground. If the tree gets too large, it is likely to be blown down in a storm. Added to this, the tree is growing in very close proximity to people and property.

It would be possible to carry out tree surgery to reduce the tree in size and maintain it to that size. Alternatively, the tree could be coppiced and the regenerating stems managed to become a tree or trees. In the short term, the effect of this would be detrimental to the visual scene however, within 5-10 years the trees will regain a presence and contribute to the amenity of the area. I consider that this form of management is preferable to that of repeated tree surgery.

RECOMMENDATION

Permission be GRANTED subject to conditions that the tree is felled at ground level but allowed to regenerate itself.

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)

NOTES: