

MR K DUNN

**FELL ONE LIME TREE INCLUDED IN TAUNTON DEANE BOROUGH  
(WELLINGTON NO.1) TREE PRESERVATION ORDER 1986 AT 12 MILLSTREAM  
GARDENS, WELLINGTON (TD 350)**

12690/21450 FELLING OF TREE(S) COVERED BY TREE PRESERVATION ORDER

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**PROPOSAL**

The application is to fell one Lime tree at 12 Millstream Gardens, Wellington. The applicant does not own the property in which the tree is located but is the adjoining neighbour. The applicant considers that the Lime tree is too close to his property at 8.5 m from the main house; the tree is likely to cause drain collapse as roots of the tree are already touching his property; the tree is too large for the area and has been badly pruned in the past; it has overhanging dangerous branches and there are leaf and insect problems.

**CONSULTATIONS AND REPRESENTATIONS**

SEVEN LETTERS OF OBJECTIONS received against the felling of the tree from local residents on following grounds:- the tree is neither diseased or damaged; the roots would be unlikely to damage the property as the tree was there before the house and therefore adequate foundations should have been built; and the tree has considerable amenity.

WELLINGTON TOWN COUNCIL is in favour of the felling but give no specific reason.

**POLICY CONTEXT**

The Town and County Planning Act 1990 empowers local planning authorities to serve a Tree Preservation Order (TPO) in the interests of amenity. The Secretary of State advises that TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. The tree(s) should normally be visible from a public place. It would be inappropriate to make a TPO in respect of a tree which is dead, dying or dangerous.

**ASSESSMENT**

The tree is locally prominent and has high amenity value within the housing estate. Based on the tree's approximate height of 16 m, the tree's root extension would be about 8 m. This would indicate that the roots are likely to extend as far as the applicants house but are not likely to cause any damage given that the house has been constructed in the last fifteen years and has the appropriate foundations. The roots

themselves could not cause direct damage and given the sandy soils of the area are unlikely to cause heave or 'indirect' damage to the property.

The overall condition of the tree is reasonable. There is no supporting evidence of any large areas of decay or deadwood and from a visual survey none were apparent.

The tree has the potential to grow larger but the present owners have indicated that, after taking advice from a tree surgeon, they intend to manage it in the next five years to maintain it at its present height. This would be acceptable tree management practice.

## **RECOMMENDATION**

Permission be REFUSED as the tree has high amenity value, is healthy and a suitable distance from the applicants dwelling and is unlikely to cause damage to property.

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

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