

PLANNING COMMITTEE- 30 MARCH, 2005

Report of the Development Control Manager

COUNTRYSIDE ITEM

OBJECTION TO TAUNTON DEANE BOROUGH (TAUNTON NO. 1) TREE PRESERVATION ORDER 2005 AT 63 NORMANDY DRIVE, TAUNTON (TD968)

PROPOSED OBJECTION

An objection has been received to a Tree Preservation Order that was placed on two trees at 63 Normandy Drive.

BACKGROUND

The order was placed on the trees in January 2005, when it was discovered that an application had been made to build a house in the garden of 63 Normandy Drive (Application No. 38/2004/582). If consent had been given, one tree would have needed to be felled and the other tree would have been severely affected by development. The two trees were regarded as having sufficiently high amenity value to require the serving of the order. The presence of the order contributed to the decision to refuse planning permission to develop the site.

OBJECTION TO THE ORDER

The owner of the property and the agent of the owner have objected to the order. They object for the following reasons:-

- The trees will reach a mature height in excess of 18 m and are only 8 m from the house. They are too close to the property as set out in Planning Guidance and they will ultimately overshadow the building.
- The trees are close to the property and likely to cause future damage to the building structure.
- The trees are too close together and one tree is suppressing the other.
- The trees are not native, they are invasive and consequently not appropriate to the situation.

ASSESSMENT

The trees are Normandy Maples approximately 20 years old. They are highly visible from the adjacent road and pedestrian route and provide valuable amenity. They are in a healthy condition, with no major problems. The trees are approximately 8 m away from the house. Norway Maples are not an invasive species and their character is appropriate to an urban context. It is unlikely that the trees are causing any damage to the building currently. In the future, the tree nearest to the property is likely to affect the house. The bulk of the objections against the order relate to this

issue, however, the problem can be alleviated by doing one of the following, when the time comes, in say 10 - 15 years time:-

- The tree could be removed allowing the tree furthest away from the house to remain and to grow on to maturity.
- The tree could be replaced with a new tree.
- The tree could be reduced in size.

RECOMMENDATION

That the Order be confirmed.

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

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