

## **REPORT FOR THE SOMERSET (WEST) PLANNING COMMITTEE, 19<sup>th</sup> FEBRUARY 2024**

### **Objection to Somerset Council (Taunton No.1) Tree Preservation Order SC(West)5, 2023, 2 Jeffreys Way, Taunton.**

**The Tree Preservation Order protects one Eucalyptus tree growing in the southeast corner of the rear garden of 2 Jeffreys Way, where it overhangs neighbouring gardens, including 57 Merton Road, the objectors' recently-built house.**

### **RECOMMENDATION**

That the Tree Preservation Order is CONFIRMED unmodified.

### **Background**

The Tree Preservation Order (TPO) SC(West)5 was served on 18<sup>th</sup> September 2023. The grounds for serving the TPO were stated on the Notice as follows:

*It has been brought to the council's attention that the tree is under threat of being excessively pruned. The tree is a large mature specimen, visible to numerous nearby residents. It therefore has amenity value. The aim of the TPO is to ensure that any management works carried out are necessary, justified and carried out in accordance with BS3998.*

The tree is a large, mature Eucalyptus growing in the southeast corner of the rear garden of 2 Jeffreys Way in Comeytrowe. The houses to the south in Merton Road are newly-built and part of the Orchard Grove development.

Following the council's receipt of the objection to SC(West)5, an application was made by the owners of 57 Merton Road to carry out management works to the Eucalyptus, which overhangs their rear garden (application 38/23/0326). Following the case officer's on-site discussions with the applicants and their tree surgeon, a work specification was agreed and permission subsequently granted to crown-raise the tree on the south side to 5 metres above ground level and to prune the tree's low and mid-height lateral growth on the south side by 2 to 2.5 metres. These works have now been carried out to the satisfaction of the applicants.

### **Procedure**

A Tree Preservation Order comes into force on the day that it is served for a period of 6 months. The TPO lapses after that date unless it has been confirmed by the Council. If there are no objections to the TPO, it can be confirmed. If any objections are received, the points raised must be considered and a decision made as to whether to confirm the TPO, either with or without modification. The decision

whether to confirm a TPO that raises objections is taken by members of the Planning Committee.

When deciding whether to serve and confirm a TPO, the present or future public amenity value of the trees must be considered. Tree Preservation Orders are served to protect selected trees if their removal would have a significant impact on the local environment. TPO trees should therefore be visible from a public place, such as a road or footpath.

In assessing a tree's amenity value, consideration must be paid to its visual impact, its health and structural integrity, its life-expectancy and its suitability to the location. The tree's potential impact on highways, services and structures should be considered.

## **Representations**

One objection to the TPO has been received from the owners of 57 Merton Road.

**The reasons given for the objection to the TPO can be summarized as follows:**

- a) The Eucalyptus is not worthy of protection by TPO. It is not rare, or a particularly large or fine specimen.
- b) The tree does not have a high amenity value, as it is now less visible to the general public than it was before the new houses were built.
- c) There was no TPO on the tree when 57 Merton Road was purchased, unlike other trees such as the oak further to the east. Why has a TPO now been served to protect this Eucalyptus.
- d) There would not be a 'reasonable degree of public benefit' if the TPO was confirmed.
- e) The proposed pruning works were modest and unlikely to be widely visible.
- f) The tree is not beneficial to wildlife.

## **Determining Issues and Considerations**

The tree in question is a mature Eucalyptus growing in the southeast corner of the rear garden of 2 Jeffreys Way. The Orchard Grove development is underway to the south of the tree and the houses in 57 Merton Road are therefore new. Because of the size of the tree and its location close to the southern and eastern boundaries of the property, the tree overhangs the garden of 57 Merton Road as well as 4 Jeffreys Way and very slightly the houses either side of 57.

In response to the points raised in the objection to the TPO:

a) It is agreed that the Eucalyptus is not a rare tree, and this specimen, though mature, is not particularly large for the species. However, it is a large tree, approximately 17 metres in height and 16 metres width, and it can therefore be seen by numerous nearby residents as well as from Jeffreys Way, Merton Road and Stonegallows, between houses and above rooftops.

b) There was no public footpath to the south of 2 Jeffreys Way prior to the Orchard Grove development, although local residents may have used the field for walking. The tree can be seen from Jeffreys Way, and because of the new development to the south it is now more visible to those residents, where it can now be viewed from Merton Road and from numerous properties nearby. Because of the size of the tree, and its future potential for some further growth, it can be seen above rooflines and contributes to the 'softening' of the new development.

c) The TPO was served at the request of its owner, as it was alleged that there had been a threat that the tree would be pruned entirely back to the boundary on the south side. It was necessary for the council to serve the TPO to ensure that any management works carried out were not excessive and were carried out professionally to British Standard 3998. The Eucalyptus was further from the new houses than the oak to the east that had been previously TPO'd and was therefore thought to be less under threat of excessive management.

d) The confirmation of the TPO ensures that this large tree will be maintained correctly in the future so that it can continue to benefit the area by contributing to the mature tree canopy cover for this part of Comeytrowe.

e) At the time that the TPO was served the pruning works proposed in application 38/23/0326 were unknown. However, it had been alleged that there was a proposal to cut back all the branches overhanging 57 back to the boundary line, which would have had a detrimental effect on the tree's aesthetic value, as well as potentially affecting its health and making it unstable.

f) It is agreed that the tree is of low value for native wildlife, although it does provide some shelter and shade.

## **Conclusion**

Given the above points, and the fact that the tree has now been pruned successfully to the satisfaction of the objectors and without complaint from the owners, it is therefore recommended that Tree Preservation Order SC(West)5 is confirmed to ensure that any future management of the tree is justified and carried out in accordance with BS3998 and best arboricultural practice.