

**MEMORANDUM**

From:	A Bucklitch Woodland Officer	To:	Pat Runciman Legal Assistant
My Ref:	TPO (16) 2006	Your Ref:	PR / PL.238
Please ask for:	Andy Bucklitch	Ext	1320
		Date	04 June 2007

**Re: Confirmation of TPO (16) 2006 – 23 & 27 Holly Dell**

Dear Pat,

Further to your memo dated 15th May my comments are as follows:

Ms R Simpson            25 Holly Dell:

Concerns over tree safety

Under common law, responsibility for maintenance and liability for any foreseeable damage or injury which is proved to be caused by a tree rests with the owner. Concerns over whether this is likely to occur should therefore be addressed to the tree owner who would be strongly advised to have the tree inspected to assess this risk. Where this has been done and works are required on safety grounds, then an application should be made under the TPO. In such a case, such works will generally be looked on favourably. General fears alone are not sufficient to justify the loss of the trees rather than to suggest the need for the owners to have them professionally inspected.

Alleged damage to conservatories

From my own investigations it would appear that the soil of the Holly Dell area has a high clay content. The properties of Holly Dell were therefore built in accordance with Building Regulations standards with sufficiently deep foundations to avoid damage from clay shrinkage either with or without the presence of any trees. As far as I am aware, this has meant that none of the original properties have suffered any damage from ground movement.

Several of the properties in Holly Dell have had conservatories built under permitted development rights. Such conservatories are not required by law to be built to building regulations standard and thus it appears that such standards have not been followed. Given the high clay content of the soil it is therefore unsurprising that these substandard buildings have suffered damage. It is notable that the conservatory that has suffered the worst damage is well outside the expected influence zone of the trees. In addition, one of the conservatories at Holly Dell has been built by a company who have built it to regulations standards despite not being required by law to do so. That conservatory appears to have suffered no damage.

It is therefore my view that the damage is the result of poor, possibly negligent, design and construction with wholly inadequate foundations for the prevailing ground conditions in the area rather than the influence of the trees. No evidence has yet been provided to suggest otherwise.

Mr Linley                    29 Holly Dell:

Location of T2

Mr Linley has queried the location of tree T2 as shown on the plan. This has been investigated and a revised map and schedule are attached.

Unknown Owner        23 Holly Dell:

Procedure to carry out tree works

An application to carry out works will need to be made to the Council as detailed in the guidance leaflets and forms supplied by the authority.

**I therefore recommend that the Order is confirmed as per the attached map and schedule.**