

APPENDIX B

ack
25/11/11

PF

16 Ashdown Close
Maidstone ME16 8AD

Planning Policy and Environment Manager
Maidstone Borough Council
Directorate of Regulatory Services
P O Box 249
Maidstone ME15 6JQ

21 November 2011

Dear Sir or Madam

Thank you for your letter re Tree Protection Order No.19 of 2011 placed on our Pine Tree T3. It was there when we bought the house, in 1963 and we would never contemplate felling it while it is healthy.

T3 is situated next to the boundary fence of The Poplars Care Home, on land originally belonging to the "Manor House", opposite 16 Ashdown Close. The "Manor House" and "The Poplars" were built in the 1850's by the two Sharp Brothers (Trebor Sharp the Maidstone sweet manufacturers), who may have planted the pine trees to form the boundary between their two homes about 150 years ago.

However, though we love trees, there are concerns that we wish the council to take into consideration.

1. The three trees referred to in the Tree Protection Order are in the rear gardens and are very close to the houses, about 40 ft away in our case. Would the council advise us on their safety?
2. Our house, number 16, had to be underpinned in 1983. This may or may not have been due to the existing mature pine (T3), chestnut, yew and ash trees on our property when we bought it.
3. A tall pine tree, similar to ours and standing in the garden of number 14 Ashdown Close, was blown down in the 1987 hurricane, causing damage to number 10 Ashdown Close. In that storm our pine lost part of its top but no serious damage was caused.
4. We are therefore very concerned that the three very tall, old and heavy trees could cause serious damage to our own house and to those of immediate neighbours and could be a risk to life. This situation coupled with the protection order may seriously reduce the value of our home, our principle asset, and make it difficult to sell. We are in our late seventies and may in time wish to move to a more manageable smaller property or other accommodation. Would there be compensation available if our house had to be sold at a price below its true value?
5. A further major worry is Planning permission Number 11/0271 MA/08/1483 – Resubmission of (MA/07/0826) exists for a very large extension to The Poplars Care Home with permission to demolish two existing garages immediately behind our fence to make way for car parking spaces. Our pine has large branches spanning the boundary and over the parking spaces. There is a danger that the demolition of the concrete floors and forming the surfaces for parking could damage the root systems of T3, the yew and chestnut trees and the pine T2 at No 14.
6. May we please have assurances from MBC on the matters raised and if there were problems with T3 and the other tall pines rendering them unsafe, the council would allow remedial action to be taken to make the trees safe or to allow them to be felled only as a last resort?

My wife and I, Josephine A McElroy and John D N McElroy, are the owners of 16 Ashdown Close and there are no other interested parties. We enclose the relevant signed form to this effect.

We look forward to your reply regarding the matters concerning us in the above numbered paragraphs.

Yours faithfully

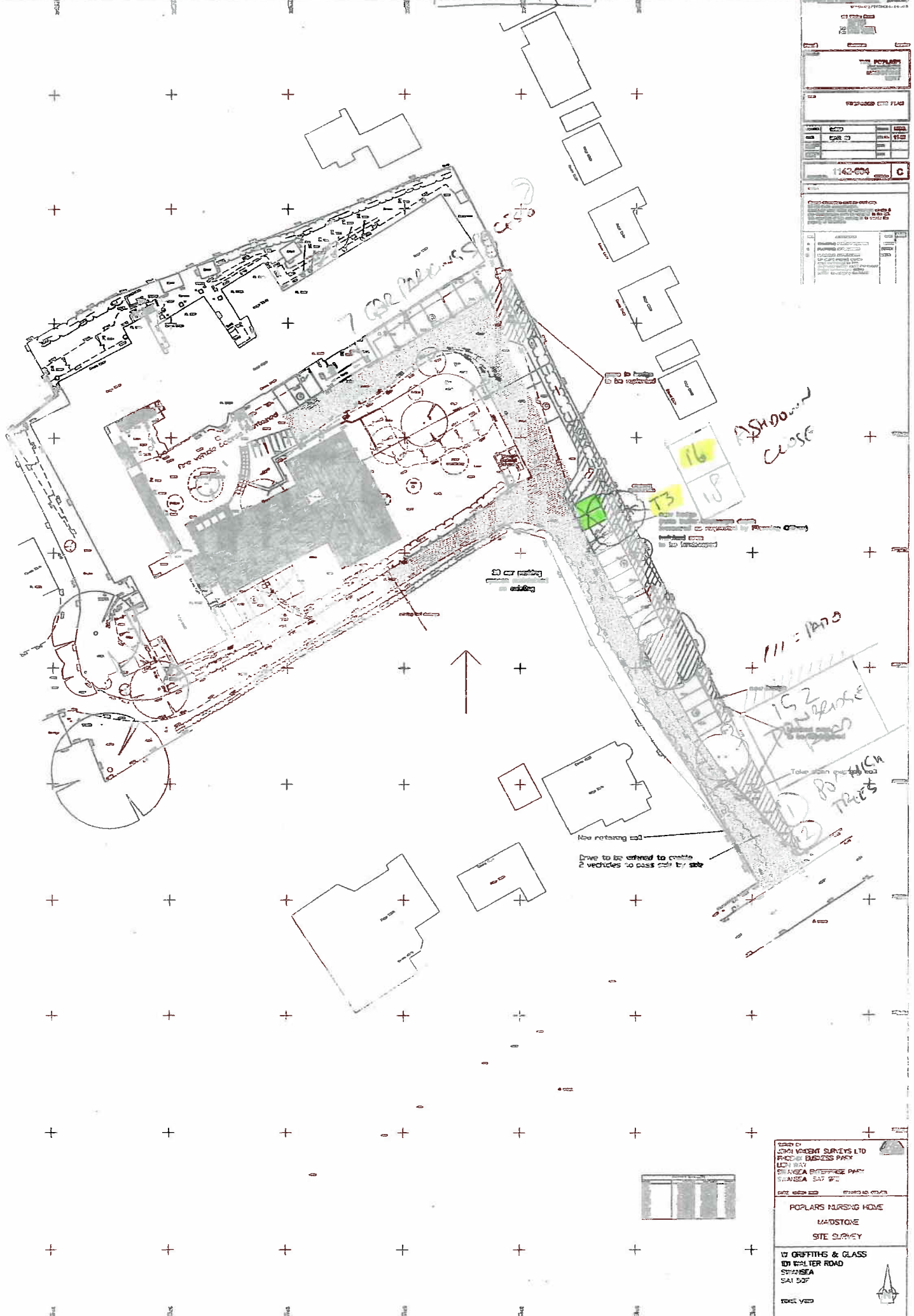

John D N McElroy

PTO>>>> Plan re T3 and para. 5



APPENDIX B

POPULARS	
PROPOSED SITE PLAN	
DATE	11/02/04
SCALE	1:100
PROJECT NO.	1142-004
CLIENT	C
PREPARED BY: [Name] CHECKED BY: [Name] APPROVED BY: [Name]	



16
18

ASHWOOD CLOSE

111 = 1470

152 PAVING

PO/PLCH TRACTS

Drive to be opened to enable 2 vehicles to pass side by side

DRAWN BY: JOHN WHEAT SURVEYS LTD 100-102 BUSINESS PARK LEYBURN DURHAM ENTHURPE PARK SWANSEA SA7 9PL DATE: 11/02/04
POPULARS NURSING HOME MADSTONE SITE SURVEY
WJ GRIFFITHS & CLASS 101 COLTHER ROAD SWANSEA SA1 5DF

Nick Gallavin

From: Heritage And Landscape
Sent: 07 December 2011 12:52
To: Nick Gallavin
Subject: FW: Tree Preservation Order No 19 of 2011 - 16 Ashdown Close

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Nick

One for you to look into.

Pat

From: John McElroy [mailto:johnjo.mcelroy@btinternet.com]
Sent: 06 December 2011 11:52
To: Heritage And Landscape
Subject: Tree Preservation Order No 19 of 2011 - 16 Ashdown Close

Attention of Mr Gallavin

With regard to my letter of 21 November 2011 and my telephone message to your office on Friday 2nd December 2011 I confirm the message in more detail.

On Friday 2nd of December I became aware of the sound of trees being sawn in the grounds of The Poplars Care Home close to our boundary fence with The Poplars. In view of the the preservation order I went to investigate what was happening. The tree surgery was in fact on the other side of The Poplars' driveway.

I was concerned because a year or so ago branches of our chestnut tree overhanging The Poplars' fence had been cut back without any consultation with us and I did not want this to happen again.

I spoke to the tree surgeon (I do not know his name) and asked if he was going to do any work on the pine trees. He replied "not at the moment". I explained about the preservation order. He said he was not aware of the preservation order but it was all right to cut off lower overhanging branches of the preserved trees. I said that I doubted that was the case, having carefully read all the papers about the preservation order sent to us by the MBC.

I went back to our house and telephoned The Poplars and spoke to Phillipa, the Buisness Manager, and explained about the preservation order. She was not aware of this but would ask the tree surgeon to examine the pine trees and, if any needed attention, they would seek permission from the Council to do what was necessary.

In my letter of 21 November I drew attention to the planning permission already granted to The Poplars and which will affect our tree and the other adjacent ones. There are many conditions to this permission regarding trees and land- scaping in the grounds of The Poplars, particularly condition No. 10. May I please ask you to take into consideration this and the other matters I have explained above in considering the long term question of the tree preservation order?