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# Memo.

**Date:** 28<sup>TH</sup> January 2011  
**To:** Planning  
**Cc:** -  
**From:** Miriam Hill  
**Subject:** S6/2010/2466/FP – Land adj to 37-48 Lambs Close, Cuffley  
Erection of two semi-detached dwellings following demolition of existing derelict garages.

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I have visited the site and considered the implications of the above application on the adjacent oak trees. I refer to the Site Layout Including TPO Tree – D9 and the Tree Survey, Arboricultural Implication Assessment and Method Statement written by Haydens Arboricultural Consultants and dated 7<sup>th</sup> December 2010. I also reviewed the documents for a previous application on this site S6/2006/1446/FP (Site Plan 537.01, the case notes dated 15<sup>th</sup> December 2006 written by Tree Officer Oliver Waring and the Appeal Decision dated 5<sup>th</sup> July 2007).

The applicant has also applied to carry out tree work to the two adjacent oak trees, by submitting application S6/2010/3152/TP. This tree application cannot be determined until the 22<sup>nd</sup> February at the earliest. It would be reasonable at this stage however to say that I have reservations about the tree work which is proposed as part of this application.

During the site visit the applicant indicated that the northern boundary of the site might be a further three metres towards the flats. As this issue is not yet resolved I can only comment on the current plans.

When considering the layout of the site it is more appropriate to use the Tree Survey drawing 2378.D than the Site Layout Including TPO Tree. The latter plan only shows T2 and gives an unrepresentative depiction of the extent of the crown.

Although there are numerous trees adjacent to the site the trees of interest are the mature oaks within the rear gardens of 29 and 31 Theobalds Road. From the communal garden of 37 to 48 Lambs Close, both trees appear to be in reasonable health and condition given their age and species. Both oaks are protected with TPO 209 and in my opinion, their protection is still appropriate.

A similar application was submitted in 2006 and refused due to the proximity of the trees and buildings. I estimate that the distance from stem to building was 14.5 metres. The crown of the two trees entirely over sailed the garden of one house and left a very short distance between the edge of the crown and the building. A second garden was over sailed by approximately two thirds and some minor overhang would have occurred on the third. As the trees stand to the north-west of the building, with much of the crowns to the west, greatly reducing the amount of late afternoon and evening sun to both the garden and house.

This application appears to have positioned the building a further three metres from the tree, giving a distance of tree to building of 17.6m. Much of Cuffley stands on clay soil and subsidence is not uncommon. Although 17 metres sounds quite a distance, oak has been implicated in subsidence cases at this distance and beyond. Any building here would need to have a type of foundation to ensure there would be no building movement in the future. I am satisfied that the drawing showing the position of the fencing and the type of fencing indicated within the report would comply with BS5837:2005 Trees in Relation to Construction.

My main concern is the future residents living in the shadow of the trees, especially unit 1. Approximately half of unit 1s garden will be directly overhung by the crown. The trees are approximately twice the height of the proposed houses and a gap of less than seven metres is between the drip line of the tree and unit 1. Oaks cast a mid to deep shadow and those living in the shadow of the trees can find them oppressive. In my experience within this borough, most people find they cannot cultivate a reasonable lawn under the trees, nor grow the type of plants they would like to grow. They find the leaf fall in winter unmanageable and the other debris such as honeydew, flowers, acorns, minor shed twigs and caterpillar/bird excrement unacceptable. Many people find tall trees threatening and after unusual weather which causes a small part of the tree to fail, ominous and a great danger to safety. With greater pressure for us all to save energy and the increasing cost

for electricity many people find it unacceptable to have to turn a light on in the house. Although it varies in the Borough most mature oaks do not lose their leaves until late November or early December giving only three or four months with a bare tree when the sun is at its lowest. It is easy to assume that only a person with a love of the trees or shaded gardens would choose to live in this house but many people buy a property without noticing the trees.

In considering the relationship between tree and house I was reminded of a similar scenario in Gorseway, Hatfield. New houses were built around existing, semi-mature trees, which were retained in the rear gardens of the houses. Despite the differences between the situations (semi-mature v's fully mature, within garden v's within adjacent garden, beech v's oak, tree north of house v's west of house and a slight difference in the size of gardens) many points of the appeal decision response, giving approval to fell the protected beech tree can be applied to this site. The Inspector indicated that the overbearing impact of the tree on the appellants' property was foreseeable and these issues should have been considered in the layout of the development. (Application S6/2008/1270/TP)

The Tree Survey does give some recommendations for tree pruning but these are not a necessity to facilitate the development and therefore would not be approved if the application for building works is approved.

The Method Statement does not discuss any special measures to be taken for the demolition of the garages and forecourt. As the garages are within the root protection area I would expect to have some indication of any special measures required for this site.

In summary I have no objection to the principle of constructing a building at this distance (or further away) from oak trees provided the foundations are appropriate to the situation and the root protection area is sufficiently fenced. I still have concerns in relation to the layout of this application as the position of trees and living space will be in conflict, creating a pressure to severely prune or remove the trees in the future

I hope that these comments are clear and that if you need anything further then please contact me.