

**WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
WORKS TO TPO TREES DELEGATED REPORT**

APPLICATION No:	<u>S6/2012/2286/TP</u>
LOCATION:	31 Theobalds Road, Cuffley
PROPOSAL:	<u>Reduction to lessen the leverage on the extended limbs and removal of deadwood to T1 (English Oak) & Removal of deadwood throughout crown, removal of lower laterals back to the stem and minor reduction to the leverage towards the flats on T2 (English Oak) of TPO 209</u>

DESCRIPTION OF PROPOSAL: Reduction to lessen the leverage on the extended limbs and removal of deadwood to T1 (English Oak) & Removal of deadwood throughout crown, removal of lower laterals back to the stem and minor reduction to the leverage towards the flats on T2 (English Oak) of TPO 209.

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy
East of England Plan 2008

Hertfordshire Structure Plan Review 1991 – 2011
None

Welwyn Hatfield District Plan 2005
GBSP2: Towns and specified settlements
R17: Trees, Woodland and Hedgerows
D2: Character and Context
D8: Landscaping

PARISH COUNCIL COMMENTS:

None received

REPRESENTATIONS:

The application was advertised by means of neighbour notification and no representations were received.

DISCUSSION:

Tree work applications relating directly to the two trees:

- S6/2010/3152/FP: Reduce by 15% and removal of deadwood of two oaks covered by TPO 209. (Refused)
- S6/2006/1115/TP: Work to oak tree (T2) protected by TPO 209. (Granted)

Planning applications on adjacent land, where the trees were a factor in the decision:

- S6/2012/1962/FP: Erection of a detached dwelling with associated parking following the change of use of the land from parking, including the demolition

of existing garages (with the exception of the rear walls) and removal of existing hardstanding. (Refused).

- S6/2011/0413/FP: Erection of 1 pair semi detached dwellings with associated parking following the change of use of the land from parking, including the demolition of existing garages (with the exception of the rear walls) and removal of existing hardstanding (Refused & Appealed)
- S6/2010/2466/FP: Erection of 2 semi-detached dwellings following clearance of existing site (Withdrawn)
- S6/2006/1446/FP: Demolition of existing garages and erection of three two bedroom terraced dwellings. (Refused).
- S6/2005/0042/FP: Demolition of existing garages and erection of 4 two bedroom terraced dwellings. (Refused & Appealed)

Removing dead branches from a living tree is exempt from application.

Part 4 section 16 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 note that, [*the application shall*] "(b) include the particulars specified in the form" and "(c) (ii) such information as is necessary to specify the work for which consent is sought". The applicant's proposal includes the type of works:

- T1 careful reductive surgery and removal of major deadwood
- T2 the lowest, most extended laterals on the northern and eastern aspects to be removed back to the stem with major deadwood also being removed throughout the crown. Minor reduction to take place on the northern aspect.

This proposal does not note the extent of the works. For example T1's "careful reductive surgery" could, if taken to the most extreme ends, involve the removal of all the branches of the crown in a careful manner leaving the stem only. T2's removal of lowest, most extended branches, could, if taken to extremes, result in the lower half of the crown's branches being removed.

The application has summarised the schedule of tree work in Hayden's Tree Survey, Arboricultural Implication Assessment and Preliminary Method Statement and Tree Protection Plan dated 5th September 2012. This document has been included with the application documents. This report does not contain the necessary quantification of the works. Despite requesting clarification from the applicant, a full and clear specification of works (as requested on the application form) has not been given.

Commonly, a condition of tree work approval is that the approved works shall be undertaken in accordance with the British Standard 3998:2010 (Tree Work – Recommendations). This document is also referenced in the Hayden's Tree Report. Section 7.7.2, of the Standard states,

"The specification should be accurate and clear, so that the desired result is achieved. To avoid ambiguity, the specified end result can be stated as the tree-height and branch-spread which are to remain, or the average equivalent in branch length (in meters). End results should be specified for individual branches if the growth pattern of the tree creates a need for this, or where clearance from a specific object is required."

Although the Standard goes on to note that specifications for a percentage reduction are imprecise and unsatisfactory without reference to length, height etc, the Council does still accept specifications in percentages. Although the Standard does indicate what a tree should look like following a reduction, "retains the main framework of the crown and therefore a high proportion of the foliage-bearing structure", without the quantification of the works, this could still result in a tree with much of the crown removed.

A similar approach is taken with selective pruning or removal of specific branches or branch ends within section 7.8 of the British Standard.

This proposal could easily result in an unattractive tree with a much reduced amenity value. The two trees still have a high amenity value.

The reason for works is given as “to lessen the leverage on the extended limbs”. The structure of the two trees is typical of fully mature oak. There are no visible symptoms of a fault within the branch from the ground. Primary branch failure, on mature oak, is an uncommon event. These works could therefore be considered as superfluous tree management.

Should the tree show a new symptom of a structural fault, or an existing symptom be identified during a climbing inspection, the existing and future management of the trees would have to be reassessed.

Overall the trees are in reasonable health and condition for their age and species. A small broken branch is hanging in the crown but is over unused communal garden/shrubbery. Some deadwood is present throughout which could be removed and is not indicative of a decline in health.

It is unusual for a neighbour to apply and undertake works to a tree not owned by themselves, for reasons other than to remove a nuisance to their own property. The majority of the works requested are not over the applicants land. Should the application be approved and the owners of the trees decline access to their land (and therefore the tree) the applicant would only be able to undertake works on a tiny proportion of the crowns. This would change the profile of one narrow aspect of the crown and would be inappropriate arboricultural management.

Whilst endeavouring to clarify the proposal, the applicant suggested that the proposal was much less, simply removing one (unspecified) branch over the garage block. No branch physically encroaches onto the garage block. The closest tree branch clears the garage roofs by (an estimated) 2.5m. This is sufficient clearance for both the existing use and demolition of the garage block, should that be undertaken. No tree works would be required to give further

Approving the application with the current proposal but conditioning the works to be carried out to BS3998:2010 would not be sufficient to ensure extreme amounts of works would be undertaken. Should the proposal be used as a specification and be undertaken with a heavy hand the character of the trees, the essence of their amenity value, would be destroyed. Should the trees have a reduced amenity value it would negate the Tree Preservation Order.

RECOMMENDATION: RUFUSAL

- 1 The proposed works will have a detrimental effect on the amenity value of the tree and harm the amenity of the area. The proposal is therefore contrary to the East of England Plan 2008, Welwyn Hatfield District Plan 2005 policies GBSP2, R17, D2, D8,
- 2 Insufficient information has been supplied to justify the proposed works. The proposal is therefore contrary to East of England Plan 2008 and Welwyn Hatfield District Plan 2005 policy R17

Comment [L1]: Include this if there has been discussion within the report to the NPPF or its contents in any way.

- 3 The proposed works are inappropriate for the tree and do not comply with best arboricultural practice. The proposal is therefore contrary to East of England Plan 2008 and Welwyn Hatfield District Plan 2005 policies, R17.

RECOMMENDATION: REFUSAL REASON(S)

The proposal has been considered against the National Planning Policy Framework, East of England Plan 2008 policies; Welwyn Hatfield District Plan 2005 policies GBSP2, R17, D2, D8, in addition to the Human Rights Act 1998, which, at the time of this decision indicate that the proposal should be refused for the reason(s) set out above. The decision has been made taking into account material planning considerations and where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework (see Officer's report which can be inspected at these offices).

DRAWING NUMBERS: Location plan received and dated 8 November 2012.

Author:

Date: 20 December 2012...