

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

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| <b>APPLICATION No:</b> | <b><u>S6/2014/ 1659 /TP</u></b> |
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**DESCRIPTION OF PROPOSAL:**

Removal of numerous trees, within an 11 metre radius of the garage.

**HISTORY**

S6/2007/1003/TP - FELLING OF 4 HORNBEAMS, 4 ASH TREES, 1 OAK TREE AND 1 CEDAR TREE COVERED BY W1 TPO72. APRE 24/08/2007

S6/2014/0134/TP - Reduce trees to 11 metres covered by TPO 166 W1 A(G) 23/04/2014

**TOWN/PARISH COUNCIL COMMENTS:**

A response has been received from the Parish Councils stating that unless the applicant can justify the removal of the trees under the existing TPO the PC regards this as inappropriate.

**REPRESENTATIONS:**

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

**DISCUSSION:**

The trees in question are located on a piece of land to the north west of 48 The Ridgeway Cuffley. This piece of land is a small wooded area with various tree species but consisting mainly of mature and semi mature hornbeam, which is indicative of woodland in this area of the Borough. This small area of woodland is easily seen from the main road, has a considerable public amenity value and breaks up the line of properties along this stretch of The Ridgeway. The woodland is covered by TPO166 W1.

The application in question is concerned with the trees within an eleven metre radius of a garage situated with the curtilage of 48 The Ridgeway. This area consists of mature and semi-mature hornbeam. At the time of my site visit the trees in this area appeared in good health and were showing signs of good vitality.

The applicant believes that the trees within the area outlined above are contributing to structural damage to the garage by influencing the soil beneath it. The applicant has submitted the following report as supporting evidence:

- Survey of cracking in garage and recommendation for amelioration by T Dawson (the report is not dated nor is there any reference numbers)

When looking at cases of possible tree related subsidence the evidence needs to clearly show that on the balance of probabilities that the vegetation, in this case the trees, are a contributing factor to the damage to the property.

The minimum evidence required to implicate the trees to damage to the property would be as follows:

- Tree root analysis showing that roots were found under or near base of building from the neighbouring trees
- Soil testing results showing that soil in the area of the building is shrinkable clay
- Crack/level monitoring results showing that the movement of the soil is cyclical (shrinking in summer and expanding winter).

### **Damage**

The report has stated that there are two significant cracks within the internal skin of the rear wall of the garden which run continuously for almost the entire length of the building. The report goes on to say that some horizontal cracking in a wall and vertical crack in the flank wall were noted. The report does not give any measurements of the cracks, either width or length, so is not possible ascertain the severity of the cracks in line with Building Research Establishment categories (BRE Digest 251 'Assessments of damage in low-rise buildings'). The report does not state when the damage was first noticed.

### **The building**

No information has been supplied regarding age of the building or the type of foundations. Buildings built within the last 30 years or so should comply with recommendations for foundation depth set out in NHBC Standards 4.2 Buildings near trees which would have taken account of the trees within the land behind the garage and built to a depth to withstand any soil movement caused by the trees.

### **Soil**

The report states that there is highly shrinkable clay soil present in the Cuffley area. However soil types can vary greatly over any given area and to generalise about the soil type in this instance is not helpful. For clarification I would have expected soil samples to have been taken from the site for laboratory testing ascertain the soil type on the area in and around the building.

### **Trees**

The report states that the trees behind the garage are beech, they are in fact hornbeam (which are fairly similar looking to beech). Within NHBC Standards 4.2 hornbeam are shown as a low water demand species as opposed to the moderate water demand of beech. The report dismisses a row of Leyland cypress trees growing within the property and adjacent to the garage at 48 The Ridgeway, however it is worth noting that this species of tree is classified as high water demand.

The hornbeam trees in question are situated on land which is approximately 1m higher than the base of the garage. A retaining wall has been built along the boundary of the land at 48 The Ridgeway between the garage and the land it which the trees are situated. This level change has not been mentioned within the report but is a factor when considering the extent and impact of the roots systems of the trees. As the trees are growing on an elevated section of land, compared to the garage, the likelihood that the roots have reached beneath the building are considerable reduced.

No tree root analysis has been undertaken so it is no possible to know what, if any roots, are affecting the soil around the garage.

## **Monitoring**

The report states that monitoring has not been carried out. Dr Giles Biddle in his book *Tree Root Damage to Buildings* (Willowmead Publishing Ltd 1998) states:

*'Demonstrating that there are seasonal or heave movements is the most accurate reliable method for distinguishing vegetation-induced damage from other causes.'*

Dr Biddle goes on to say that:

*'Level monitoring should be installed and initial readings taken at the earliest opportunity; preferably during the first site visit.'*

Level monitoring over a period of at least two seasons will show whether there is cyclical movement indicative of tree related subsidence. Without this information it is not possible to tell if there has been any cyclical movement.

## **Conclusion**

The trees in question are considered to be high amenity value and their removal would have a significant detrimental impact upon the landscape. Removal of these trees would only be allowed if it could be shown that on the balance of probabilities the trees were an influencing factor on the damage to the garage.

The report supplied with the application is deficient of key information which would help ascertain whether the trees are contributing to damage at the property. In light of this it is considered that there is insufficient information to justify the proposed work.

## **RECOMMENDATION: REFUSAL**

1. The proposed works would have a detrimental effect on the amenity value of the trees and significantly impact on the local environment and its enjoyment by the public. The proposal is therefore contrary to section 198(1) of The Town and Country Planning Act 1990.
2. The application does not include sufficient information as is necessary to justify the works for which consent is being sought, specifically sufficient evidence demonstrating structural damage to property. The application is therefore contrary to section 16 of The Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Author:** .....

**Date: 28 August 2014**