

**WELWYN HATFIELD BOROUGH COUNCIL
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

DELEGATED APPLICATION

Application No: 6/2016/1912/TPO
Location: 19 Tolmers Avenue, Cuffley, Potters Bar, EN6 4QA
Proposal: Reduce Oak tree (T2) by 20% covered by TPO 283 (2003)
Officer: Miss M Hill

Recommendation: Refused

Context	
Relevant history	<p>Planning</p> <p>Application Number: S6/2015/0514/TP Decision: Granted Decision Date: 18 May 2015</p> <p>Proposal: Reduce lower laterals by 1.5m on Oak tree covered by TPO 283</p> <p>Application Number: S6/2011/1038/TP Decision: Granted Decision Date: 22 July 2011</p> <p>Proposal: Crown thin by 30% and remove arisings from Oak and dead wood Scotts Pine covered by TPO 283</p>
Main Issues	
Appropriateness of the works in relation to the tree(s)	<p>The mature oak tree stands within the rear garden of 19 Tolmers Avenue, Cuffley. It is directly adjacent to the rear boundary of the applicants garden and adjoins 6B Hill Rise, Cuffley.</p> <p>The tree was only inspected from 19 Tolmers Avenue. An inspection was not undertaken from 6B Hill Rise as the road is gated and the applicants did not respond to any appointment requests. The tree is clearly visible from the garden of 19 Tolmers Avenue and the relationship between the property at 6B Hill Rise and the tree can be seen to some extent.</p> <p>The health and vitality of the tree appears to be good. No significant structural issues can be seen although the lowest part of the stem (estimate 2m) is obscured by shrubbery to the rear of a chicken coop. The tree has been crown reduced in recent years and the tree has responded well to this. The tree has a crown lift of approximately 4m. There were no visible faults or symptoms of a condition which would require general tree pruning at the time of inspection.</p> <p>The application is to trim the branches which are causing the perceived issues of excessive shading and damaging the main pitch roof of the house at 6B Hill Rise.</p>

	<p>The branches of the oak tree were not physically encroaching onto the house. The tips of the branches appeared to be some distance from the roof and elevations of the building. They did not appear to be physically encroaching on the other structure within the crown spread of the tree, a garage, associated with a different property of Hill Rise.</p> <p>The tree stands to the north west of the property. Very little of the applicants garden is shaded by the tree as the sun moves through its arc. During high summer the tree must cast a shade across part of the garden just before sun set. Both properties are on a hill but I do not think this would exacerbate the issues in this location.</p> <p>A certain amount of shade must be caused by the overhanging branches but the effects of this have been reduced by recent crown lifting and crown reduction works. The amount of shade in this part of the garden is increased by the presence of the neighbour's garage. To remove the parts of the tree which are causing the shade would be to remove a significant portion of the crown, create large pruning wounds and reduce the crown radius on one side of the tree. These are all detrimental to the trees health and structure and therefore its useful life expectancy.</p> <p>The amount of shade cast by this tree into the garden is limited. Further pruning of the tree would be disproportionate to the inconvenience, amount and location of the shading it causes. Further pruning would be detrimental to the amenity and health of the tree.</p>
<p>Conclusion</p>	
<p>The proposed works to reduce oak tree T2 by 20% or to trim back the branches would have a negative impact on the amenity of the tree. Insufficient reasons have been given to justify the works which could be detrimental to the overall health and structural condition of the tree.</p>	

Reasons for Refusal:

1. 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.
2. Notwithstanding reason No 1 above, the proposed works could have a detrimental effect on the amenity value of the tree 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.
3. REFUSED DRAWING NOS: Tree location plan received and dated 15 September 2016.

REFUSED DRAWING NUMBERS

- 4.

Determined By:

Ms F Nwanze
21 February 2017