

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

APPLICATION No:	<u>S6/2010/2238/TP</u>
LOCATION:	Land at Chancellor’s School, Pine Grove, Brookmans Park
PROPOSAL:	<u>Fell 3 oaks and 1 Monterey cypress covered by TPO170 and TPO226.</u>

DESCRIPTION OF PROPOSAL: Fell four trees adjacent to The Grays, 61a Pine Grove due to the alleged damage, caused by the trees to The Grays.

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy
PPG2: Green Belts

East of England Plan 2008
None

Hertfordshire Structure Plan Review 1991 – 2011
None

Welwyn Hatfield District Plan 2005
GBSP1: Definition of Green Belt
R17: Trees, Woodland and Hedgerows
D2: Character and Context
D8: Landscaping

PARISH COUNCIL COMMENTS:

The North Mymms Parish Council comments that that the oaks are some distance from the house and pollarding may retain the trees and their amenity. They also query whether the removal of the cypress will increase the likelihood of heave.

REPRESENTATIONS:

The application was advertised by means of neighbour notification and five representations were received all objecting to the application.

The land owner comments they would be reluctant to see the trees felled and would expect other options to be investigated first e.g. to monitor the movement for three years. They also feel that the trees should have been taken into account when the building was constructed.

An adjacent neighbour comments they are strongly opposed to the removal of the trees. That the trees are fine, mature specimens which enhance the amenity of the area. The reports do not prove that the trees are responsible for the cracks in the building.

An second adjacent neighbour objects to the removal of the trees as they do not believe it will be the solution to the problem. They comment that part of the house was underpinned in 1999 and has since had no further cracks and that if the whole house was underpinned it would eradicate the problem. That it would be an injustice not only by the beauty of them but also environmentally as the trees help to clear the air.

A third adjacent neighbour objects to the application. That the trees in question are mature and beautiful specimens which contribute to the general ambience of the area. That the evidence which supports the concerns are reports which have been paid for by the applicant and are therefore not independent. They would also like other means of halting the damage to be considered without felling the trees such as a barrier. Finally they wonder whether the foundations of the house were laid in such a way as to ensure that the roots would not cause any further damage to the house.

A fourth neighbour objects to the application. They are finding that more and more beautiful old trees are being destroyed within the area. They state that the Monterey cypress is of outstanding beauty. That the owners of The Grays purchased the property knowing that it already had problems with subsidence and should have their property underpinned rather than fell the trees which would be no guarantee that it would resolve their problem.

DISCUSSION:

The application is to fell three oak trees and one Monterey cypress. Overall all the trees appear to be in reasonable health and condition. There are no indications that the trees have a limited life expectancy or require any pruning beyond minor maintenance. The trees are still worthy of their preserved status as they have a high amenity value, screen the houses and the school from each other and contribute to the habitat of local wildlife.

Applications to carry out work on trees protected with a Preservation Order must be considered on two points;

- Will the works have a detrimental effect the visual amenity of the area?
- Is the work appropriate to the trees?

As the trees do still have amenity value and are in reasonable health and condition it would be inappropriate to remove them without a valid reason. Therefore in considering whether or not this application is appropriate the emphasis must be on the initial point, is the work appropriate to these trees or has the applicant justified the need to remove the trees.

The application includes two reports;

- A building engineers report by Clive Adams Associates Ltd dated 5th August 2010.
- An Arboricultural Report by ACS Consulting dated 29th September 2010.

The engineers report indicates that this neighbourhood stands on a Pebble Gravel drift over London Clay and is therefore susceptible to volume changes resulting from moisture content. The report notes the existing surrounding vegetation, the underpinning to the western wall and subsequent removal of a willow tree. It states that there was no signs of any significant cracking or distress either internally or externally in April 2005 when an inspection and report were previously undertaken. It lists the current cracks, their position and width, including those which have occurred in internal walls which were redecorated approximately two years ago.

The engineers report goes on to discuss the various surrounding trees are the likelihood of them being the trees which Mr Adams believes are influencing the building. He suggests reducing a group of three oaks by 50% with future containment or to remove the nearest oak and leave the other two trees with no pruning. Then to give a three month recovery period to allow the clay to recover some of the moisture content and redecorate the appropriate rooms. Without reducing or removing the trees, the report states that settlement is likely to continue and to prevent further damage the rear elevation will need to be underpinned to a depth of 2.6m. The report also comments on the uneven paving possibly being caused by leaking drains as a result of damage caused by tree root action.

The Arboricultural Report gives four conclusions;

- the soil is of a type to be susceptible to volume change.
- the proximity of the Monterey cypress and the three oaks present a medium to high risk of influencing soil conditions sufficiently to result in structural damage.
- the nature and position of the damage, combined with the reported increase in severity in the summer months are consistent with tree-related damage.
- That pruning on a cyclical basis is unlikely to be an effective and lasting control of the risk considering their proximity and potential future growth.

In considering this application some further investigation was undertaken within the Council. The house was built following approval of planning application S6/446/93. Unfortunately due to a change in software the full records of the Building Control inspections for this period of time are unavailable. In 1999 the National House Building Council contacted the Building Control department indicating they needed to underpin the western wall of the house. Drawing NHBC/Eng/379 shows the extent and the depth of underpinning. The notes on the drawing indicate that the original foundations on the western wall vary between 1.5 to 2m. That the foundation had failed on the eastern side of the patio doors. The underpinning which varied in depth between 2m and 2.6m extended for almost the entire length of the western wall and part of the southern wall to beyond the patio doors. That the area around the patio doors and fire place was underpinned to a depth of 2.6m.

The Engineers Survey is not an in depth survey but notes the various damages etc. It does not contain confirmation that tree roots of the species requested for removal were found in the vicinity of the damage, confirmation that the soil is desiccated, cyclical crack monitoring nor any level monitoring. The anecdotal evidence from the applicants is that the cracks have appeared since redecoration in the last 18 months to two years and were wider in the summer of 2010 and have become narrower as the year has progressed.

Many representations were received and raised many points. These are listed below;

- *“the oaks are some distance from the house and pollarding may retain the trees and their amenity.”* Severe pruning of adjacent trees combined with continued containment may in some instances contribute to controlling the amount of soil desiccation. Its use has to be considered on a case by case basis.
- *“whether the removal of the cypress will increase the likelihood of heave.”* Heave occurs when desiccated soil re-hydrates and swells. It can take decades for the soil to stabilise. Heave can be as damaging to buildings as shrinkage.
- *“the trees should have been taken into account when the building was constructed” & “whether the foundations of the house were laid in such a way*

as to ensure that the roots would not cause any further damage to the house.” Trees are taken into account when buildings are constructed. Although the exact depth of foundations are not known through out this site they appear to range from 1.5 to 2 metres. The knowledge of foundations, soils and increasingly dry summers is better understood now. However not all future events can be predicted and guarded against.

- *“the house was underpinned in 1999 and has since had no further cracks.”* The house was underpinned in 1999 but there are more cracks now visible.
- *“if the whole house was underpinned it would eradicate the problem.”* The entire house could be underpinned but this would be a very unusual step to take, be very disruptive, expensive and may not resolve the issue.
- *“investigate other means of halting the damage to be considered without felling the trees such as a barrier.”* There are few methods available to stabilise buildings. Root barriers are rarely effective for this type of issue as trees often compensate for their presence and the annual maintenance of the barrier falls by the way side. As the Monterey cypress is so close to the building there is not sufficient space to install a barrier without causing massive, detrimental damage to the cypress and most likely destabilising the tree as anchoring roots are severed.
- *“the evidence which supports the concerns are reports which have been paid for by the applicant and are therefore not independent.”* As the two reports have been written by professionals their impartiality is not in question. In subsidence cases the owner of the builder or the insurer of the building will pay for the report.
- *“expect other options to be investigated first e.g. to monitor the movement for three years”.* The owner of the property does not have to monitor for a specific period of time but would be required to prove seasonal crack opening and closing and which species of roots are present in the soil.
- *“The reports do not prove that the trees are responsible for the cracks in the building.”* The reports do not have sufficient information to implicate the trees.

In conclusion the trees have sufficient amenity value to still be protected with a TPO. All of the trees appear to be in reasonable health and condition and do not require removal as they are in decline. The trees are within influencing distance of the property but insufficient evidence has been gathered to show that the roots are present by the foundations. The original foundations have been superseded with substantial underpinning in the area which is now cracking. Seasonal crack monitoring nor level monitoring has not been undertaken. As the trees are an important feature of this area it would be inappropriate to allow their removal without a reasonable level of investigation.

RECOMMENDATION: REFUSAL REASON (S)

The proposal to fell 3 oaks and 1 Monterey cypress by virtue of the size, scale and amenity value of the trees would result in a detrimental impact on the character and appearance of the area and the visual interests and amenities of its surroundings. The applicant has failed to prove to the satisfaction of the local planning authority that the reasons they wish to remove the trees, outweigh the detrimental impact on the character and appearance of the area that would occur. The proposal is therefore contrary to Policies GBSP2, D2, D8 and R17 of the Welwyn Hatfield District Plan 2005.

DRAWING NUMBERS: Location plan received and dated 7th October 2010

Author..... Date....2nd December 2010.....