

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

DELEGATED APPLICATION

Application No: 6/2018/1548/TPO
Location: 19 Scholars Mews Welwyn Garden City AL8 7JQ
Proposal: Fell 1 x Oak tree and replace with 1 x Oak tree somewhere else in the garden covered by TPO 738 (2018)
Officer: Mr Oliver Waring

Recommendation: Refused

6/2018/1548/TPO

Context	
Relevant history	<p>Enforcement</p> <p>Application Number: 2000/0177 Decision: Decision Date: Proposal: Trees and Hedgerows works to trees</p> <p>Application Number: 2014/0293 Decision: Decision Date: Proposal: Trees and Hedgerows - unauthorised works to Oak tree in CA</p> <p>Planning</p> <p>Application Number: 6/2018/1655/TPO Decision: Decision Date: Proposal: Various Tree works -Conservation area</p> <p>T1 - 1 x Oak reduce height by 1.5m T2 - 1 x Oak reduce height by 1.5m and width by 3m back to boundary T3 - 1 x Oak to remove epicormic growth T4 - 1 x Oak to sever lve at base T5 - 1 x Oak reduce by 1.5m height & width T6 - 1 x Cherry fell T7 - 1 x Hornbeam fell T8 - 1 x Ash fell T9 - 1 x Cherry fell T10/11 - 2 x Hornbeams to reduce by 3m</p> <p>Application Number: N6/2009/1857/TP Decision: Granted Decision Date: 30 October 2009 Proposal: CROWN LIFT HORNBEAM TREE (T10) BY 20%, CROWN LIFT</p>

	<p>OAK TREE (T11) AND THIN BY 20% AND THIN TWO HORNBEAM TREES (T12 & T13) BY 20%</p> <p>Application Number: N6/2013/1549/TP Decision: Granted Decision Date: 11 September 2013</p> <p>Proposal: Crown thin Oak T6 covered by TPO 437 and Hornbeams T3, T4, T5, T7, T8, T9, T10, T12, T13 by 20%. Crown thin by 15% and remove damaged branch of Oak covered by TPO252</p> <p>Application Number: N6/2014/1773/TP Decision: Granted Decision Date: 14 August 2014</p> <p>Proposal: Reduce Hornbeam tree by 25%</p> <p>Application Number: 6/2015/1556/TPO Decision: Granted Decision Date: 19 November 2015</p> <p>Proposal: Reduce one hornbeam to 4m and another hornbeam to 5m. Crown reduce 2 hornbeams by 30-40%. Reduce hornbeam in front garden by 40%</p> <p>Application Number: 6/2016/1856/TPO Decision: Granted Decision Date: 03 November 2016</p> <p>Proposal: Fell Oak tree covered by TPO 437 (2009)</p> <p>Application Number: 6/2016/2112/TPO Decision: Granted Decision Date: 14 December 2016</p> <p>Proposal: Reduce Hornbeam crown by 30%, reduce four Oak trees by upto 30% and remove deadwood - Conservation Area</p> <p>Application Number: 6/2017/0454/TPO Decision: Granted Decision Date: 14 March 2017</p> <p>Proposal: Fell Hornbeam tree covered by TPO 252 (2002)</p>
Main Issues	
Appropriateness of the works in relation to the tree(s)	<p>The tree in question is a mature oak growing within the rear garden of 19 Scholars Mews, Welwyn Garden City.</p> <p>The tree is in excess of 12m tall and is growing close to the rear of the property (approximately 3m from the house). At the time of my visit the tree appeared in good health and condition. The tree has been pruned in the past to contain its size and spread.</p> <p>Scholars Mews is an estate which was built adjacent to the old railway line and Sherrardspark Wood. Many of the woodland trees have been retained and many of the buildings are within close proximity of mature trees.</p>

The applicant is proposing to remove the tree and replace with another oak elsewhere within the garden. The reasons given of removal are as follow:

- The tree is too close to the house.
- It is too close to the mains drains.
- Squirrels are using the tree to access the roof.
- The tree drops sizeable branches and debris.
- The tree provides unwanted excessive shade.
- The tree has little or no amenity value.
- The roots are pushing up the patio.

The above points are considered below:

The tree is within close proximity to the house but this is not an unusual issue in this part of the Borough. The houses are relatively modern within Scholars Mews and would have been built with the trees in mind. I have spoken to the applicant and currently there is no damage to the drains or the house.

Issues such as squirrels accessing roofs is difficult to control in a wooded area as they adept at climbing, however if the roof is secure squirrels should not be able to access through the roof and into the house.

At the time of my visit there was no significant deadwood within the crown of the tree and no indication any recent branches that had fallen out of the tree. Deadwood or damaged branches can be removed without the need for a formal application as they are an exemption under the TPO regulations.

The tree is close to the property and sits to the south of the building, The tree will cause some shading but the rear of the house is flanked by other trees and a belt of woodland adjacent to the old railway line. The removal of this individual tree would have little effect on the shading of the garden or the house.

The trees within this part of the borough contribute and are part of the character of the area. In this instance it considered that this tree contributes to the amenity value of the area as it is part network of trees within the landscape. Unnecessary losses of individual trees over time will have a detrimental effect on the character of the area.

It was noted that there was some disruption to the patio however this was considered minimal and not significant enough to justify removal of the tree.

Conclusion

The tree in question is mature health oak in good condition. I have considered the reasons for removal given by the applicant and in this instance they are not considered sufficient to justify the removal of this tree

Conclusion

The proposed tree works are proportionate to the health or structural issues each tree displays and are reasonable arboricultural management will not harm the amenity of the individual trees or the woodland as a whole. The application should be approved.

Reasons for Refusal:

1. The proposed works would 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

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
Tree Sketch		Tree Sketch	29 June 2018

Determined By:

Mr Chris Carter
3 August 2018