

OFFICER REPORT FOR COMMITTEE

DATE: 15 SEPTEMBER 2021

P/21/1089/TO
DAVIES GROUP LIMITED

SARISBURY
AGENT: MWA ARBORICULTURE LTD

FELL ONE ASH AND FOUR OAK TREES PROTECTED BY TPO 183 – G7

10 BRONTE GARDENS, WHITELEY

Report By

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1.0 Introduction

1.1 This application is reported to the Planning Committee due to the receipt of eleven objections to the removal of the trees.

2.0 Site Description

2.1 10 Bronte Gardens is situated in a residential cul de sac in Whiteley. The property backs onto an existing tree line running along the Borough boundary with Winchester City Council. The trees pre-date the surrounding residential development and are protected by a tree preservation order.

2.2 The property is within the designated urban area.

3.0 Description of Proposal

3.1 The application is for the removal of one ash and four oak trees implicated as a material cause of subsidence to a rear extension to the property constructed in 2004 / 2005. The trees for which consent is being sought to fell, are within the ownership of the applicant.

4.0 Policies

4.1 The following policies apply to this application:

4.2 **CS4** - Green Infrastructure, Biodiversity and Geological Conservation.

5.0 Relevant Planning History

5.1 There is no existing planning history for this property.

6.0 Representations

6.1 Eleven objections have been received on the following grounds:

- The trees were there first.

- The extension should have been built properly.
- Trees are important and we need more of them, not less.
- Residents moved to the location because of the trees and their removal will have a negative impact.
- Trees are important for people and wildlife and should not be cut down.
- The insurance company should pay for the extension to be rebuilt properly.
- Alternative solutions should be found such as a root barrier.

8.0 *Planning Considerations*

- 8.1 Damage to the property (particularly cracking) was first noticed in July 2019 and site investigations were completed in late 2019.
- 8.2 The pattern of damage was indicative of subsidence as a result of clay soil shrinkage due to the moisture abstraction by vegetation. The dwelling and rear extension are within close proximity and the influencing distance of the trees subject to this application.
- 8.3 Trial hole excavations have taken place and confirmed an underlying clay subsoil. Roots have been found to a depth of 2.5 metres below ground level and have been positively identified as oak.
- 8.4 Level monitoring was undertaken from the period of August 2020 through to February 2021, recording a pattern of movement indicative of the seasonal soil drying caused by the adjacent trees.
- 8.5 From the evidence available, it appears that tree roots have entered the soil beneath the foundations of the extension, changed the load bearing properties of that soil by moisture abstraction, which has resulted in damage to the building (subsidence). The evidence suggests that on the balance of probabilities the subject trees are a material cause of the subsidence damage to the extension.
- 8.6 The costs of the superstructure and decorative repairs are estimated at £15k if the trees are removed. In the event that the trees remain in situ the costs are estimated at £35k.
- 8.7 There are precedents in law for subsidence cases involving protected trees, where local authorities have resisted the removal of a tree implicated in a subsidence event where site investigations demonstrate that on the balance of probabilities the tree is a material cause. In summary, if the Council did not grant consent to fell the trees implicated in this subsidence case, the householder's Insurers' are likely to seek to recover the estimated £20,000 'additional' costs of repairs from this Council.

- 8.8 Officers are satisfied that sufficient investigations have been undertaken to demonstrate the influence the five trees are having on the building and therefore they are the probable cause. Having carefully reviewed all the submitted information officers conclude that regrettably consent should be given to remove the five trees to avoid potential financial claims against the Council, which could run into tens of thousands of pounds.
- 8.9 Should Members approve the recommendation to fell these trees, it would be appropriate to impose a condition securing replacement trees. The trees to be felled form part of a long belt of trees running north/south separating residential development either side of the Borough boundary. In light of the space constraints and the scale of the existing tree belt, Officers believe it would be appropriate to secure three replacement trees, allowing sufficient space for them to grow and develop.

9.0 Recommendation

- 9.1 GRANT CONSENT, subject to the following Condition:

Within one month of the felling of the trees hereby approved, details of the species of three replacement trees of at least 10-12cm girth, shall be submitted to and approved by the Local Planning Authority in writing. The approved replacement trees shall be planted within the first available planting season (October to March) following the approval of the replacement trees and the trees shall thereafter be retained at all times.

REASON: In the interests of maintaining the amenity value of the area.

10.0 Background Papers

- 10.1 Supporting technical information submitted with application.
- 10.2 Tree Preservation Order 183.