

P/14/0144/TO

MR MICHAEL DEANS

FELL ONE OAK TREE PROTECTED BY TPO 436

10 BOTLEY ROAD PARK GATE SO31 1AJ

PARK GATE

AGENT: LYONS DAVIDSON

Report By

Paul Johnston - extn.4451

Site Description

This application relates to a tree situated in the front garden of a semi-detached property situated on the north side of Botley Road and south west of Badgers Copse.

Description of Proposal

Consent is sought to fell one oak tree protected by TPO 436.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

Fareham Borough Local Plan Review

DG4 - Site Characteristics

Relevant Planning History

The following planning history is relevant:

P/05/0353/TO

Crown Raise to 6 Metres By Removing Overhanging Branch from Oak Tree covered by F.T.P.O.436

CONSENT 28/04/2005

Representations

Three representations were received objecting to the works on the grounds that the felling may cause ground heave and the removal of the tree will also affect the appearance of the area.

Planning Considerations - Key Issues

Consent is sought to remove a mature oak tree situated on the front boundary of 10 Botley Road on the grounds that it is a material cause of subsidence affecting 12 Botley Road and therefore needs to be removed to abate the nuisance in law. Site investigations have been undertaken including boreholes, trial pit excavations and 12 months level monitoring on the building. Roots have been recovered from a trial hole along the left hand flank wall (NW side of the dwelling) and positively identified as oak; and given the distance from the subject oak the roots have potentially extended below the footprint of the house.

The building is founded on clay, which has been identified as having an extremely high plasticity -it is subject to significant volumetric change between drying and wetting. Level monitoring has confirmed cyclical movement, which coincides with the growth phase of the oak and the seasonal drying patterns of the soil. The maximum displacement to the main

building has been recorded as 20mm of downward foundation movement.

The potential repairs to the superstructure with the tree removed are estimated to be £1500. The potential additional cost of foundation stabilisation if the tree remains are estimated to be £75,000.

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. Tree roots from the TPO oak at 10 Botley Road have entered the soil beneath the foundations of the neighbouring property 12 Botley Road, changed the load bearing properties of that soil by moisture abstraction, which has resulted in damage to the building and subsidence.

Officers are satisfied that sufficient investigations have been undertaken to demonstrate the influence the oak is having on the neighbouring property and therefore that it is the probable cause. Having carefully reviewed all the submitted information officers conclude that regrettably consent should be given to remove the subject oak to avoid potential claims against the Council, which could run into tens of thousands of pounds.

The Principal Tree Officer is of the view that subject to a condition seeking a replacement tree the application is acceptable and complies with the Fareham Borough Council Local Plan Review.

Recommendation

CONSENT: Works to be undertaken within 2 years, replacement tree and work to accord with BS3998.

Notes for Information

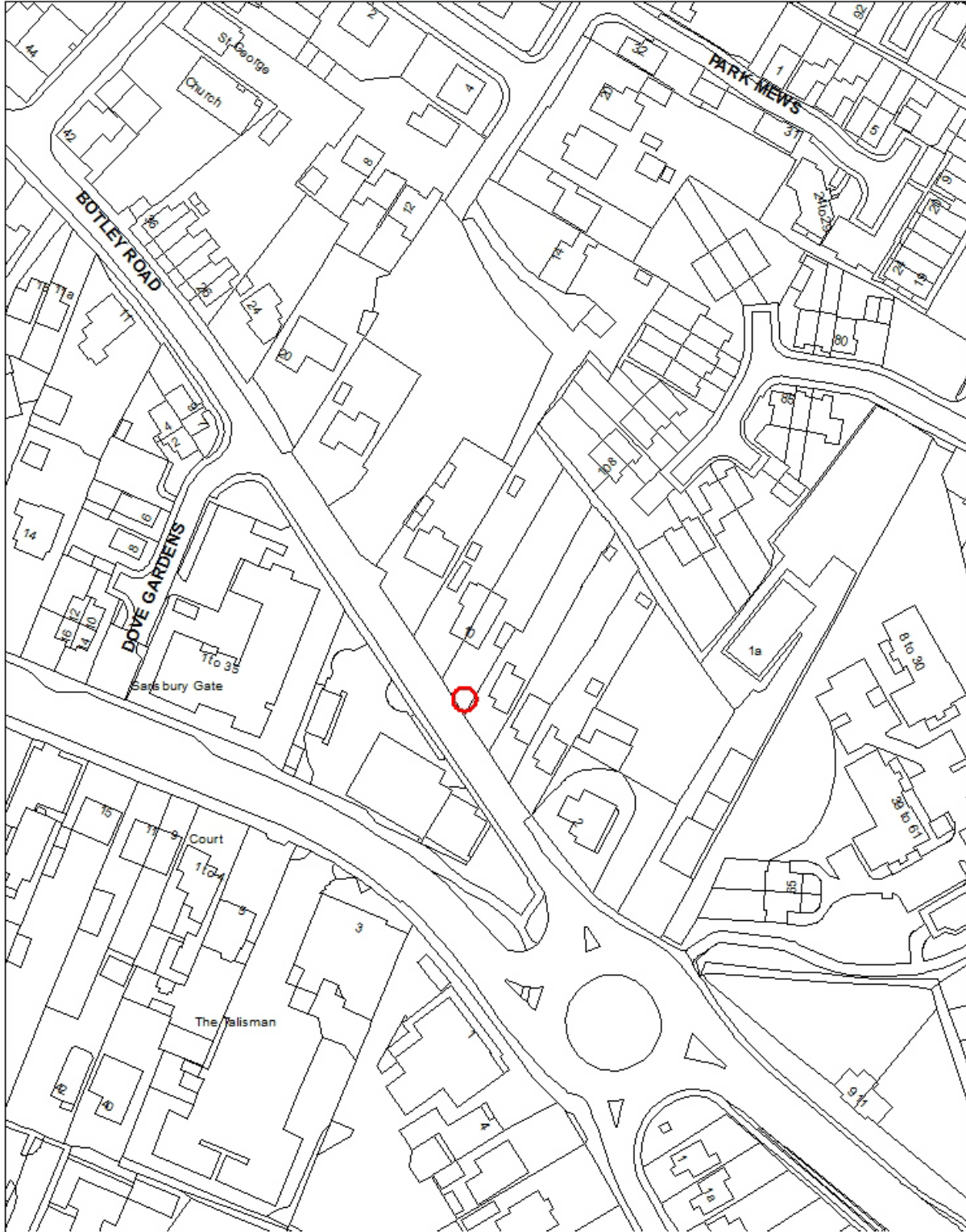
Notice of work commencement; Right to carry out work over property other than applicant's own; Replacement tree; Terms as BS3998 and work in accordance with recent arboricultural research; Care to wildlife and bat protection.

Background Papers

Please see planning history above.

FAREHAM

BOROUGH COUNCIL



10 Botley Road
Scale 1:1,250



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