

APPLICATION NO	PA/2009/0247
APPLICANT	Mr A Stafford
DEVELOPMENT	Consent to carry out works to a sycamore tree protected by Tree Preservation (Crowle) Order 1971
LOCATION	16 The Paddocks, Crowle
PARISH	CROWLE
WARD	Axholme North
SUMMARY RECOMMENDATION	Refuse consent
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Councillor T Barker – would like issues relating to the proximity of the tree to the house to be considered) Applicant request to address the committee
POLICIES	Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply. North Lincolnshire Local Plan: Policy LC12 applies relating to the protection of trees, woodland and hedgerows. Policy DS1 also applies which relates to general requirements to be taken into account on all applications, including the need to protect features of conservation interest, including trees and woodland the subject of tree preservation orders.
CONSULTATION	Highways: Does not wish to restrict the grant of permission.
TOWN COUNCIL	No objections or comments.
PUBLICITY	Neighbouring properties have been notified and a site notice posted. Two letters objecting to the removal of the tree and one email supporting the application have been received.
ASSESSMENT	This mature sycamore is in reasonable condition and situated on the northern boundary within the rear garden of 16 The Paddocks, Crowle. It is part of a group order made in 1971 on trees in this area and several of these trees are still in existence as a group. They can be seen from various locations within the public domain and are considered to have a high visual amenity within the

surrounding area; the tree should therefore be retained unless there are strong overriding reasons for its removal. The applicant previously applied to fell this tree in 2006, which was refused, and the same tree report produced in 2006 has been re-submitted with this present application. The applicant has also submitted further comments regarding the tree and the issues that they have with it.

The applicant wishes to remove this tree for the following reasons:

- proximity of the tree to property
- potential for tree/branch failure
- honeydew/other debris
- shading/light issues
- potential for subsidence damage

Proximity: The tree is situated approximately 11.5 metres from the original dwelling (taken from computerised Ordnance Survey mapping system). North Lincolnshire Council Supplementary Planning Guidance (SPG) adopted in May 2003, although not in existence when the property was built, is a useful tool regarding proximity. It gives guidance on the distance (in metres) of protection zones around trees when considering the positioning of development/dwellings in order to ensure protection of root/ground conditions whilst also considering sustainable development in proximity to trees. The SPG suggests that this tree should be 11.5 metres from the dwelling. As this is the actual distance between the tree and the original dwelling it is considered that the proximity of the tree to the dwelling is not a legitimate reason for the tree's removal.

Potential for branch/tree failure: The tree report states the tree is in average condition, with broken snags and deadwood expected of a mature tree. Comments have also been made regarding the ivy presence and subsequent inability to assess the main fork in the tree at approximately 5 metres. The report at this time did not state this tree was in poor condition or needed to be removed because of this. The applicant is concerned about small branches being blown out of the tree, and the potential for larger branches that may fail during winter storms.

When inspected by the council's tree officer in relation to the present application, it was noted that small amounts of deadwood were present within the crown. These were not of concern as they were not large in diameter and could be removed without needing to apply for permission as deadwood is considered exempt. This would assist in the prevention of branches being blown out in high winds and considered appropriate management, however it is considered normal for some small branch loss during high wind events. Ivy was still present within the structure of the tree and prevented detailed assessment of the fork structure. However, there was no major concern from what was visible to suggest the tree was in poor condition.

Honeydew/other debris: The applicant suggests that honeydew and other debris is preventing them from enjoying their garden. Sycamore and other tree species do have honeydew and other debris, such as leaves, seeds etc. that do fall from them. This is considered to be part of the normal cycle of trees, and would not be adequate reason for tree removal. Also it should be considered that the applicant's garden is of sufficient size and has other areas they can utilise away from the tree.

The applicant also makes comment regarding birds roosting in the tree and their subsequent bird droppings. This is again a natural and normal use of trees, and although unfortunate that a conservatory has been positioned in a location where bird droppings can fall, this is not sufficient reason for removal of a tree covered by a tree preservation order.

Shading/light Issues: The applicant makes comment about the tree causing shade issues: a cause of moss and slippery surfaces.

The Sycamore tree is located to the north of the property and in this location it will not affect the amount of direct sunlight into the garden as the movement of the sun from east to west does not create shadow from the tree into the garden. Moss grows in locations that are shady and damp generally. It is noted that there are areas of moss on the roof and garden paths, but this appears to be where natural sunlight does not reach on the north side of the property, and would not be caused primarily due to the presence of the tree.

Potential for subsidence damage: The applicant makes comment regarding concerns over potential for structural/subsidence damage. Government guidance

regarding perceived subsidence damage and protected trees is clear and indicated within the new regulation TPO application forms. If there is alleged damage to the property caused by trees, for example subsidence or damage to drains or drives etc, the applicant has to submit a report by an engineer or surveyor when the application is made. This report would need to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals. This information would give the evidence needed to show that the tree is causing damage to a property, how severe it is and if any remedial works could be undertaken.

No such report has been submitted with this application. No evidence has therefore been given regarding alleged subsidence and it has not been substantiated that any damage to the dwelling has occurred.

Summary: When considering applications, guidance to the local planning authority advises the amenity value of the tree be considered, and in the light of this assessment whether or not the proposal is justified.

In this instance the tree is in reasonable condition with high amenity value, visible from many locations. The tree has been assessed by the applicant's arborist and council representative and was not considered to be in a poor condition such that it required removal.

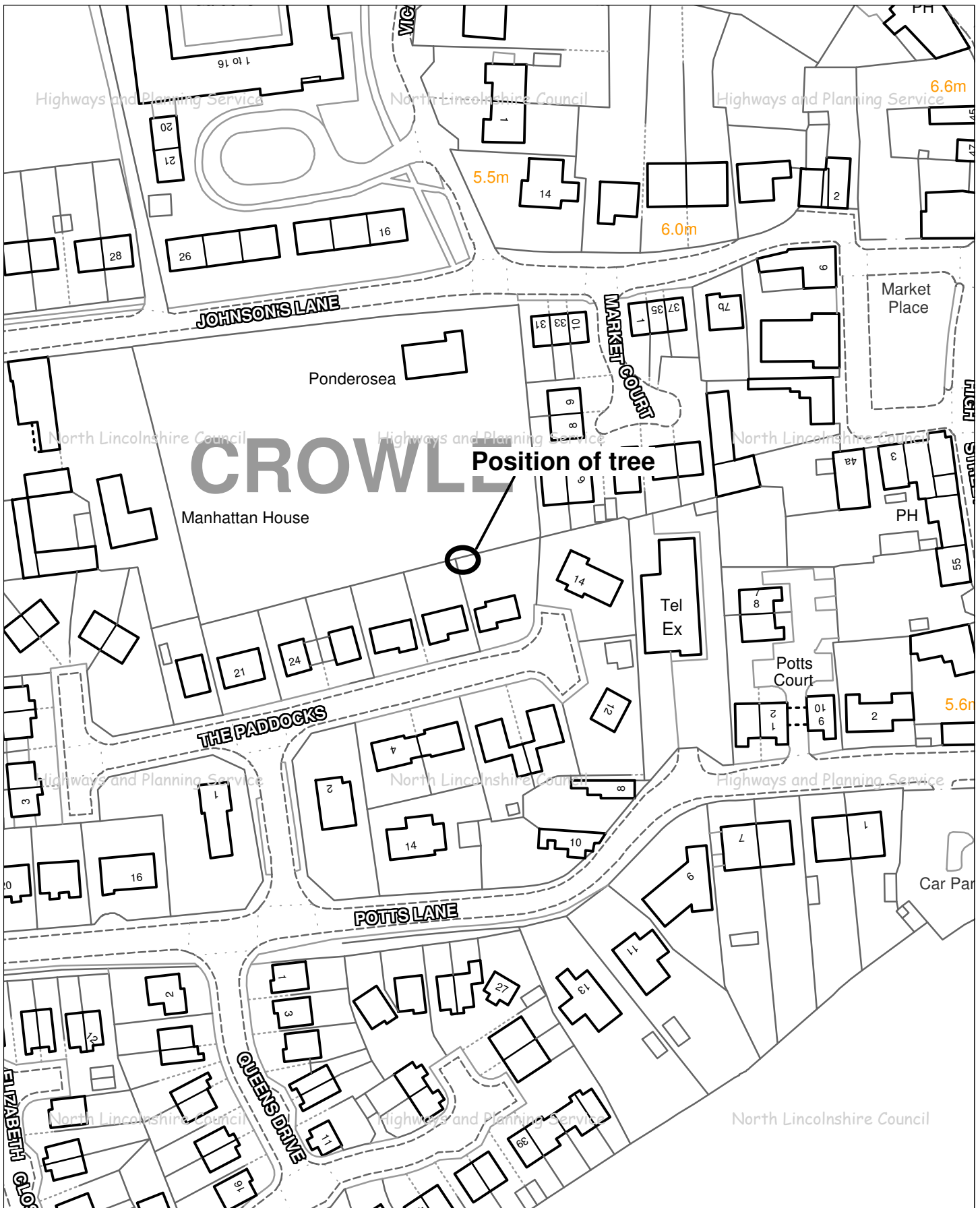
In this case, proximity, potential of fork branch failure, honeydew and shading have been considered and are not sufficient to warrant removal of this tree.

No evidence has been submitted to suggest any subsidence damage has occurred. In this application, therefore, it is considered that the tree, which has high amenity value, should be retained and this application refused.

RECOMMENDATION

Refuse consent for the following reasons:

This tree is neither dead nor dying, nor is it in a dangerous condition, nor has conclusive evidence been provided that the tree is causing damage to the property. The proximity of the tree to the dwelling and shade/debris issues are not sufficient reasons to remove the tree. In the circumstances it is not considered that there is any justification for the felling of the tree, which should be retained in the interest of visual amenity.



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Highways and Planning Service

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