

Item No. Report of the Head of Planning, Transportation and Regeneration

Address 16 DEERINGS DRIVE PINNER HA5 2NZ

LBH Ref Nos: 40468/TRE/2022/14

**TREE PRESERVATION TREE WORKS APPLICATION
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
SECTIONS 198-201 AND 203**



1.0 SUMMARY

1.1 To consider whether or not to approve works application 40468/TRE/2022/14.

2.0 Recommendations

2.1 That tree works application 40468/TRE/2022/14 be **REFUSED**.

2.2. That an informative be added to the decision notice stating that:

“it is recommended that if the applicant has concerns regarding the tree causing structural damage to the property, relevant technical evidence which demonstrates 'beyond reasonable doubt' that any alleged structural damage has been caused by the implicated tree must be provided. Such evidence would usually include (but not be limited to):

- 1. Soil analysis - to show that the underlying soil is shrinkable and desiccated (due to root activity);*
- 2. Root testing - to show that roots of the implicated tree have been found below the area of damage; and*

3. Crack / Level monitoring data - to demonstrate that the crack damage / building movement is seasonal and cyclical (that is, cracks open during the drier summer months and close during the winter months - or in the case of level monitoring, the building moves downwards in the summer and upwards in the winter).

3.0 Information

- 3.1 This application for tree works was received in January 2022 and proposes to fell a large, mature Red Oak tree due to:
- the presence of birds fouling onto the property's driveway (which is considered a health and safety issue); and
 - potential future damage to the property's foundation.
- 3.2 A visual examination shows good canopy cover and a tree with a good vitality.
- 3.3 No arboricultural assessment of the Oak has been supplied with the application.
- 3.4 No documentation from pest companies has been included as evidence that other solutions to the bird fouling issue have been taken into consideration and excluded.
- 3.5 No documents have been provided to show that the property is affected by subsidence damage and that this is linked to T14 Oak.

4.0 The Objections

- 4.1 Three formal objections, one comment against and a Petition signed by twenty-seven (summarised verbatim below) were received from a number of residents, all objecting to the removal of this tree.
- 1. This tree is of high amenity** - One of the main objections outlined in the comments is that this tree forms part of a line of Red Oaks which greatly contribute to the visual amenity of the area and provide a green screen between the dwellings of Deerings Drive and Gerrards Gardens. The tree also plays an important role for local wildlife and biodiversity.
 - 2. Loss of other mature trees causes concern** - Another concern outlined in the objections is that several mature local trees have been lost, to the detriment of the local environment.
 - 3. Documents in support of the application are lacking** – No documents showing a tree survey, nor from a pest-control company showing the tree removal is the only available option to cure pigeon infestation; no documentation to uphold claim of property damage have been provided.

5.0 Observations on the objections to App 40468/TRE/2022/14:

- 5.1 This Oak tree is a large, mature tree representing a prominent landscape feature which is visible from the dwellings in Deerings Drive and Gerrards Gardens. This tree has a high amenity value and makes a good contribution

to the visual amenity and arboreal character of the local area, as well as benefitting local biodiversity and wildlife.

- 5.2 The Oak sits in an area protected by TPO 363 characterised by large mature tree specimens adding to the quality of the local tree cover. The removal of a large mature tree with a significant vitality and leaf development would be regrettable and would have a negative long-term impact on the visual amenity and arboreal character of this residential area.
- 5.3 No documents in support of the application to request consent for the Oak removal have been provided.

6.0 Reasons given in application 40468/TRE/2022/14 to remove tree

- 6.1 Residents wish to remove the Oak T14 as the previous pruning, applied for and granted in 2017, was not sufficient to control the birds fouling from the tree. The reasons given are to eliminate the fouling issue onto driveway/cars, and to prevent any potential future damage to the property.

7.0 Observations on reasons for removal on application 40468/TRE/2022/14

- 7.1 The tree appears healthy and in good condition from visual inspection. No documentation has been supplied within the application to support the claim that the only option to control/mitigate the issue is to remove the tree, and no evidence of structural damage to the property has been shown in support of potential damage claim. No arboricultural report has been supplied in support of the removal of this Oak.
- 7.2 This tree has previously been reduced and the applicant also has the option of applying for further pruning works to be carried out on this tree.

8.0 Conclusion

- 8.1 This Oak tree is a prominent local landscape feature and has a high amenity value. The tree makes a significant contribution to the arboreal character of the local area. The reasons given are not considered to be justifiable in the absence of detailed evidence and documentation to prove there is no alternative to the issue and that the tree is causing damage to the property.
- 8.2 It is therefore recommended that the tree works application App 40468/TRE/2022/14 is refused.

BACKGROUND INFORMATION

The following background documents were used in the preparation of this report:

- Online and e-mail objections received to App 40468/TRE/2022/14
- Tree Works Application 40468/TRE/2022/14
- Tree inspection by Council Tree Officer
- Previous Tree Works Application 40468/TRE/2017/178