

Application No : 12/03084/TPO

Ward:
Copers Cope

Address : 10 Crab Hill Beckenham BR3 5HE

OS Grid Ref: E: 538574 N: 170150

Applicant : MWA Arboriculture

Objections : YES

Description of Development:

Fell one oak tree (T.1) in front garden SUBJECT TO TPO 2459

Key designations:

Conservation Area: Downs Hill
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Tree Preservation Order

Proposal

Proposal - Felling of one oak tree (T.1)

Location - Front garden of 10 Crab Hill

Consultations

Comments from local residents - there have been a considerable number of comments from local residents and these can be summarised as follows:

the property where the trees are growing was underpinned in 1990 and there have been no further problems, the subsidence was not attributed to the trees

there are issues of subsidence in the area because the soil is a shrinkable clay

felling is unwarranted, it is proposed by insurance companies because they are risk averse

felling should be the last resort, not the first

the installation of a root barrier as an alternative should be explored

the cause of the problem has not been established without doubt and the exceptionally dry weather in 2010 and 2011 is a major factor

the trees are irreplaceable and society as a whole will be the loser

foundations on the clay soil are inadequate

the trees have enhanced the environment for generations and make Beckenham a pleasant place to live

concerns as to what may happen next if there is further subsidence after the felling

trees provide charm and character and the loss would have a negative effect

the trees are at the accepted limit of possible influence

Planning Considerations

Conclusions

This application was considered at the Plans Sub Committee meetings of 13th June and 5th September. The application concerns the proposed felling of one oak tree in the front garden of 10 Crab Hill that is implicated in subsidence at no.8. The two previous reports are attached - 13th June - Appendix A and 5th September Appendix B.

The making of a decision was deferred on 5th September to obtain an independent report. An arboricultural consultant was commissioned and his report is attached at Appendix C.

The main facts are as follows:

subsidence damage has occurred at no.8

the soil under this property is a shrinkable clay to a depth of 2 metres, overlaying a low/non shrinkable pebbly sandy soil

roots were found under the foundations and have been identified as oak. DNA testing showed that they were from the oak tree that is the subject of this application

the characteristics of the movement of no.8 are related to the influence of vegetation

other properties in the area have suffered subsidence in the past and have been underpinned

the oak tree is 15.85 metres from no.8 and is growing on the front boundary of no.10

the tree is 19 metres in height and it has been previously pollarded

the front drives of both properties are block paved and the sub-base is unlikely to impede root growth

the tree owners have a duty of care to abate any nuisance that their property may cause

Where it is proposed to fell a protected tree because it is implicated in subsidence case law the applicant only has to show that a tree is a cause of the damage and

not the cause, there is no requirement for it to be demonstrated beyond reasonable doubt. In this case the evidence does demonstrate that the movement of no. 8 is vegetation related and that this oak tree is the offending vegetation.

The decision on the method to be used to stabilise the house is that of the insurers. If consent were to be granted the insurers would need to seek the agreement of the tree owner for the felling to take place. The removal of the tree would obviate the need for expensive repairs, such as underpinning. This latter work was often a remedy for subsidence in the past but in more recent years insurers have sought tree removal, together with cheaper repairs. However if consent were to be refused the applicant has the right to claim compensation from the Council. As previously stated the applicant has indicated that this could be up to £76,000. There is no specific budget to cover this.

The consultants report concludes that the evidence provided by the applicants does demonstrate that there is subsidence damage to no.8, oak tree roots have been found under the building and these emanate from the tree that is the subject of this application. The oak tree is a contributory factor. In the opinion of the consultant consent should be granted for the removal of the tree.

RECOMMENDATION: CONSENT GRANTED FOR TREE WORKS

subject to the following conditions:

1ACB09	Tree consent - commencement
ACB09R	Reason B09
2ACB06	Replacement tree(s)
ACB06R	Reason B06