

Application No: 18/04769/TPO

Ward: Bickley

Address: 5 Northumberland Gardens
Bickley, Bromley, BR1 2XD

OS Grid: E:543089 N: 168385

Applicant: Mr Tim Chechlinski

Objections: No

Description of Development:

Deodar (T1) – Fell and treat.

SUBJECT TO TPO 639

Proposal

The application has been made on behalf of the property owner by the agents of the insurance company. The Deodar Cedar tree subject to the above Tree Preservation Order (TPO) has been implicated in the subsidence claim. The felling of the tree is proposed to achieve building stabilisation.

Location

The application site is comprised of a detached dwelling located on the east side of Northumberland Gardens. The property backs onto Blackbrook land to the east.

Consultations

Nearby owners/occupiers were notified of the application and no representations were received.

Considerations

Application 01/00830/FULL1 relates to planning permission given for the construction of a rear storey extension to form a conservatory. This is the part of the dwelling experiencing movement and subsequent damage.

Application 14/04466/TPO relates to permitted tree pruning.

No subsidence cases at neighbouring properties have been recorded and this extends to the rest of the cul-de-sac.

The officer made a site visit to the application site on 20th December 2018. The tree (T1) subject of the application was surveyed. T1 is 11m from the dwelling. The tree has been calculated to be within the zone of influence.

The tree is located adjacent to the right hand boundary of the rear garden and has reached an ultimate height of 19m. No defects have been reported as part of the application and have not been observed by the officer. The foliage displayed at the time of inspection suggests the tree is of normal vitality.

The following supporting documents have been appended to the application:

- Site Investigation Factual
- Arboricultural Assessment Report
- Level Monitoring
- Root Identification
- Soil analysis

- Engineer Appraisal Report

A borehole was excavated adjacent to the rear single storey projection of the dwelling. Trial Pit 1 revealed foundations to a depth of 750mm. Roots discovered within the borehole have been identified as cedar. The starch content noted would indicate roots are alive.

Level monitoring results indicate movement associated with seasonal soil moisture loss.

The estimated costs of repair range from £20,000 to £35, 000 depending on whether the tree remains.

A heave assessment has been carried out and it is estimated that the potential movement following swelling of the soil would be a maximum of 43mm. This would be considered beneficial in reversing the downward motion of the building ahead of expected repairs.

Conclusion

Damage is limited to the rear conservatory structure and was not noted within the main dwelling.

The foundations are considerably shallower than what is required to withstand the influence of a mature cedar tree within the zone of influence. The required foundation depth has been calculated to be a minimum of 1.84m. The age of the property dates back to the early 1990s. The tree can be confirmed as an existing feature at the date of construction.

A monetary value has been applied to the tree adopting the CAVAT (Capital Asset Value for Amenity Trees) system. CAVAT provides a method for managing trees as public assets rather than liabilities. It is designed not only to be a strategic tool and aid to decision-making in relation to the tree stock as a whole, but also to be applicable to individual cases, where the value of a single tree needs to be expressed in monetary terms. CAVAT is recognised in the English court system.

The value of the subject cedar tree is £54, 261.

The cost of repairs range from £20, 000 – £35, 000. The amount of damage observed suggest superstructure repairs will be necessary. The tree is calculated to a value that is worthy of Council defence. The failure of the foundations is the ultimate reason the single storey extension has not withstood the influence of the tree upon local soil conditions.

On balance, it is considered that the tree should be retained, repairs be carried out and measures be taken to counteract the influence of mature vegetation on the soil.

Financial Implications

Attention is drawn to section 202E of the Town and Country Planning Act 1990. This allows the applicant to make a compensation claim in respect of a refused decision.

Members are informed that no budget has been allocated to the defence of a compensation claim, should the application be refused. A claim may include and is not restricted to any further damage from the date of the decision, costs incurred in respect further repairs, costs incurred in further monitoring and legal costs.

Members are also informed of the officer costs involved in defending against a compensation claim.

RECOMMENDATION: REFUSAL

Deodar (T1) - Fell and treat.

REASON:

The application has failed to acknowledge the adequacy of the extension's foundations and the construction design. The value of the tree outweighs the cost of repairs. The proposals would negate the objectives of the TPO and therefore conflict with Policy NE7 of the Bromley Unitary Development Plan (adopted July 2006).

INFORMATIVES

1. You are advised that formal consent is not required for the removal of deadwood, dangerous branches and ivy from protected trees.