

Application No: 18/04489/TPO

Ward: Shortlands

Address: The Mews Royden
Kingswood Road Shortlands
Bromley BR2 0HL

OS Grid: E: 539222 N: 168883

Applicant: Mr Sumner

Objections: NO

Description of Development:

T1 Oak - Reduce height to 12m and spread to 8m.

T2 Oak - Fell.

SUBJECT TO TPO 1373

Proposal

The application has been made on behalf of the insured party at The Mews, Royden, Kingswood Road, Shortlands, BR2 0HL. The application has been made in respect of two oak trees (T1/T2) subject of the above Tree Preservation Order (TPO). A subsidence case has been underway and concludes that the trees are implicated in building damage.

The proposed works are the recommendations issued by those acting on behalf of the insurance company.

Location

The application site is comprised of a block of flats located on the north side of Kingswood Road, near the junction with Church Road. The site is situated within the local conservation area.

A history of subsidence has been noted in the application history. Underpinning took place under Building Notice 99/00652/OTHBN6 in 1999. The application also mentions underpinning that was carried out to the detached garages to the rear of the site.

Extensions permitted under application 88/01011/DET in 1988 have resulted in a new section of the building to the right hand side to create two self-contained flats. An access drive has been created through the structure with one flat occupying the upper floor.

Consultations

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

Considerations

The officer made a site visit to the application site on 29th November 2018. The oak trees (T1/T2) subject to the application were surveyed. T1 is 14.3m from the building and T2 is situated at a distance of 13.4m. T1 is 16.2m tall and T2 is 17m tall. Both trees are situated in the zone of influence which has been calculated to be 21.2m (1.25 x tree height).

T1 exhibits good canopy form and normal vitality. Heavy reduction works have been carried out in the past, however, the recovered canopy layer is well proportioned. T2 appears to be of normal vitality with no significant defects observed.

The proposal has been recommended by the insurance company and consulting arboriculturist acting on behalf of the policy holder. The following supporting documents have been appended to the application:

- Engineering Appraisal Report.
- Arboricultural Appraisal Report.
- Site Investigation Report, including soil analysis, root identification and foundation detail.
- Addendum Technical Report, including crack monitoring.

External damage has been repaired. Internally cracks have appeared along the junction of the extension and the main dwelling and take a horizontal/vertical fashion along the ceiling and wall. Movement surrounding the window above the driveway access on the front elevation has resulted in cracking at the top corner of the window frame. The category of damage is described as 3 in accordance with the Building Research Establishment (BRE) digest 251.

Two trial pits were excavated adjacent to the front projection of the extension. Foundations were revealed to a depth of 1.2m and 67cm. Roots discovered within the pit have been identified as oak (*Quercus Spp.*).

The results of the site investigations carried out on behalf of the policy holder conclude that the subject trees are responsible for cyclical movement of the extension as a result of soil moisture loss.

The loss adjuster has confirmed that there is no adverse risk of heave.

The estimated costs of repair range from £4000 to £80, 000 depending on whether the trees remain.

Conclusion

The side extension is clearly experiencing movement and has recently become unstable. The remainder of the dwelling is unaffected.

The foundations revealed in the trail pits too shallow for what is required to withstand the influence of oak trees within the zone of influence. The required foundation depth has been calculated to be a minimum of 2.43m based on the highest reading of soil plasticity. The property dates back to the 1920s, however, the subject extension was constructed in 1988. The foundations should therefore have taken surrounding vegetation into account as a design principle. The foundation depth is not sufficient to withstand the influence of mature vegetation on the local soil conditions.

A monetary value has been applied to the trees 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.

Trees T1 and T2 have been calculated a combined value of £259, 927. The value of the trees therefore exceeds the estimated cost of repairs which are a maximum of £80, 000.

The effect of trees on the surrounding ground would have been foreseeable at the time of construction. The foundations would therefore have needed to be excavated to a level where the water table is uninfluenced by root activity. The visible movement seen across the monitoring period is likely to be a result of differential settlement. The moisture content of the soil is clearly having an impact on the movement of the extension, however, this does not conclude the trees are at fault. The Council's Building Control department have been consulted and confirm that further underpinning will be required to achieve stabilisation.

The internal cracking was noted to be horizontal and vertical. Cracking of this nature indicate separation from the main dwelling. The failure or absence of a construction joint is likely to be the reason the damage has occurred in this fashion. Construction joints are necessary in providing strength between structural walls.

The property was underpinned in 1999 under Building Notice 99/00652/OTHBN6. The local area is known to be a subsidence hotspot.

The costs of repair are significantly lower than the value of the trees. The trees are high amenity features, contributing cohesively to the local area. The removal of the trees would have a damaging impact on the character of the area and negate the objectives of the TPO.

It is recommended that committee members refuse the application.

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

T1 Oak - Reduce height to 12m and spread to 8m.

T2 Oak - Fell.

REASON:

The application has failed to acknowledge the adequacy of the extension's foundations and the construction design. The value of the trees 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

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