

Application No: 19/00364/TPO

Ward: Bickley

Address: 1 Northumberland Gardens
Bickley, Bromley BR1 2XD

OS Grid: E:543084 N: 168341

Applicant: Subsidence Management Services **Objections:** No

Description of Development:

T3 Ash - Remove.

T4 Pine (Corsican) - Remove.

T5 Oak - Remove.

SUBJECT TO TPO 639

Proposal

The application has been made on behalf of the property owner by the agents of the insurance company. The subject trees are protected under the above Tree Preservation Order (TPO) and have been implicated in the subsidence claim. The felling of the trees is proposed to achieve building stabilisation.

Location

The application site is located on the eastern side of Northumberland Gardens. The property is located adjacent to the junction of Blackbrook Lane and Oldfield Road. The above referenced Tree Preservation Order (TPO) protects various trees across the cul-de-sac development.

Consultations

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

Building Control have been consulted.

Considerations

Application 90/00409/FUL relates to the planning permission granted to develop the cul-de-sac.

Application 17/04223/TPO relates to permission to remove a mature service tree at the front of the property. Subsidence is referenced in the earlier application.

Application 18/04769/TPO relates to a subsidence case at No. 5 Northumberland Gardens. The application was refused under Committee authority.

Officers made a site visit on 6th March 2019. The subject trees are confirmed to be within the zone of influence.

All the trees subject of this application are located in the rear garden. The pine and ash trees (T3-T4) are situated 10-11m from the dwelling in the centre of the garden. The oak tree (T5) is situated adjacent to the southern boundary. The trees are visible from

the junction of Oldfield Road and Blackbrook Lane. The presence of the TPO reflects the important contribution the trees make to the locality and the high amenity value attained. Tree survey data has been submitted as part of the application supporting documents and reference tree dimensions. T4 and T5 appear to be of normal vitality. T3 has lost a major stem and is generally a poor specimen.

The following supporting documents have been appended to the application:

- Claim Assessment Report
- Arboricultural Assessment Report
- Level Monitoring
- Root Identification
- Soil analysis
- Engineers Addendum Report

Five boreholes have been excavated as part of the investigation. Four boreholes were positioned along the front projection of the dwelling and the fifth was positioned at the rear, north eastern corner. Foundation details for Borehole 4 and 5 reveal foundations to a depth of 80cm. The remaining foundation depth in the three other boreholes has been estimated to be 1.5m.

Root identification reveals oak and ash trees have grown beneath the dwelling. The content of starch would suggest the roots were alive upon examination.

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

The estimated costs of repair range from £5000 to £75,000 depending on whether the trees remain.

Heave has not been considered an issue as part of the Engineers Addendum Report.

Conclusion

The damage witnessed by officers takes a central route across the interior of the dwelling. This suggests separation between the rear and front of the dwelling. The horizontal and vertical cracks interlinked and show displacement is occurring. Stepped cracking was noted around the door to the utility room positioned on the northern aspect of the dwelling. The cracking suggests the dwelling is moving in opposing directions.

The foundations are considerably shallower than what is required to withstand the influence of the subject trees within the zone of influence. The required foundation depth has been calculated to be a minimum of 2.23m on the basis of the actual soil plasticity index. The age of the property dates back to the early 1990s. The trees 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.

Oak tree (T5) is valued at £50,595. Pine tree (T4) is valued at £12,133.

The consistency and stability of the foundation design is questioned. The different foundation depths have not been commented on as part of the appraisal. Damage associated with the subject trees would be limited to one side of the dwelling and have crack patterns more consistent with tree related subsidence.

The failure of the foundations is the ultimate reason why movement is occurring. Underpinning is considered a necessary action regardless of the influence of surrounding trees and vegetation.

Heave is a foreseeable risk due to the maturity of the trees. The removal of the service tree at the front of the property in recent years is likely to have influenced the local soil conditions. Further assessment would be expected on this matter.

Members are recommended to refuse the application for the reasons stated.

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 reminded of the officer costs involved in defending against a compensation claim.

RECOMMENDATION: REFUSAL

T3 Ash - Remove.
T4 Pine (Corsican) - Remove.
T5 Oak - Remove.

REASON:

The application has failed to acknowledge the adequacy of the dwelling's foundations and the construction design. Heave has not been assessed sufficiently. The proposals would negate the objectives of the TPO and therefore conflict with Policies 43 and 73 of the Bromley Local Plan (adopted January 2019) and Policy 7.21 of The London Plan (adopted March 2016).

INFORMATIVE

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