

**Report to District Development Control  
Committee**

**Date of meeting: 2 December 2008**



**Epping Forest  
District Council**

**Subject: Planning Application EPF/1840/08 – 13 Windsor Wood, Waltham  
Abbey, Essex, EN9 3TJ – Felling of preserved sycamore protected  
by TPO/EPF/10/90/G3.**

**Officer contact for further information: S. Solon  
Committee Secretary: S Hill Ext 4249**

---

**Recommendation:**

**That the committee considers the officer recommendation to refuse  
planning application EPF/1840/08.**

**Reason:- Insufficient justification has been provided in the application  
to necessitate the felling of the preserved tree, which is contrary to  
Landscape Policy LL9 of the Adopted Local Plan.**

**Report**

1. This item was deferred for consideration by District Development Control Committee as the applicant was not able to exercise their right address the Area Planning Subcommittee in October. The Committee are therefore asked to reconsider the application by way of complete rehearing.

**Description of Proposal:**

2. T1.Sycamore. Fell and replace.

**Description of Site:**

3. The tree stands close to the rear boundary fence of this terraced property, which forms part of a staggered residential development following the arc of Monkswood Avenue as it becomes The Cobbins. The property has added a conservatory to the rear elevation, which extends for approximately 11 feet into the 13 metre long, south facing garden.

4. At approximately 15 metres in height, with a crown spread of about 6 metres, this mature and vigorous tree forms a part of a line of eight similar sized, closely planted sycamores standing at the bottom of numbers 10,11 and 12 Windsor Wood. Three trees continue the line on open ground beyond the western boundary of number 10 to complete this dominant group, which constitutes a central landscape feature when approaching the site from the north or south along Broomstick Hall Lane. The raised ground level on which they stand, relative to this road, further increases their collective prominence and screening importance in softening views of the modern residential dwellings.

### **Relevant History:**

TRE/EPF/1096/97 granted permission to lightly crown reduce the side growth of the trees standing at 11 and 12 and crown thin by 15%.

TRE/EPF/1193/03 granted permission to reduce the crown by 2 metres in height and 50% in spread metres.

### **Policies Applied:**

Epping Forest District Local Plan and Alterations: LL9 Felling of preserved trees

### **Issues and Considerations:**

5. The main reasons put forward with this application are the following:
  - Nuisance of debris from the tree.
  - Unreasonable loss of enjoyment of house and garden and safety issues.
  - Potential risk of structural damage.
  
6. The main planning considerations are:
  - Visual amenity of the tree
  - Life expectancy of tree
  - Suitability of tree in current position.
  - Planning issues.

#### Nuisance of tree debris

7. The applicant lists the amount of leaf matter, bird liming and honeydew sap, which combine to block the gutters of both the conservatory and the main house roofs. Moss has established itself due to shade conditions on the main roof and this also blocks gutters, when it is washed off the tiles.

8. The lawn, garden furniture and newly constructed patio suffer the worst effects of sap and bird liming, which are a source of hygiene concerns.

#### Loss of reasonable enjoyment

9. At present, the tree reduces light into the living room of the main house. The applicant states that lights must be kept on throughout the day. The effect is worsened because the house is set back and shielded by the neighbouring flank wall of number 12, which prevents westerly light into the house.

10. It is claimed that the garden is virtually unusable due to the debris problems described above and because the small garden is largely shaded for most of the day. This is true, to an extent, but the garden enjoys morning light due to the loss of a neighbouring tree. The contained crown spread reduces the direct canopy cover over the garden and drop zone and leaf fall comes from neighbouring trees.

11. Perceived risks of the tree falling and crushing the house have been submitted as a major source of fear, since the tree sways in the wind. There are no obvious physical defects visible on the tree, which indicate that the risk of tree failure must be considered low and carry little weight in the argument to remove it.

### Potential risk of structural damage

12. It is not possible to accurately predict the potential for root induced subsidence damage to the house without the submission of technical information. The lightweight conservatory and patio area, both at closer range to the tree, will be at greater potential risk due to the likelihood of shallow foundations being used in their construction, though this observation is unsubstantiated.

13. No weight can therefore be given to this concern without supporting evidence.

### Visual amenity.

14. This healthy and vigorous tree stands as the eastern most member of a mature line of trees, which are clearly visible from Broomstick Hall Lane. Its collective amenity value is high and its loss would be clearly noticed.

### Life expectancy

15. The tree has undergone a comprehensive crown reduction in 2003, which has been tolerated well and therefore it is foreseeable that its life expectancy remains long ie in excess of 20 years.

### Suitability of tree in current position

16. A tree of this size would normally need a considerable amount of space to be allowed to grow to its natural size. There have been repeated requests for reduction works to most the trees within the gardens of this residential development. Now the conservatory extension has been built the relationship between the house and the tree has become more incompatible at approximately 6 metres from the stem base.

### Planning issues

17. Although, as noted, the garden is small and shady, it is not inherently unsuitable to have trees within it. It was noted that the neighbouring property at 14 Windsor Wood has lost a preserved tree and no record of its authorised removal can be found. There are signs of other tree removals on other parts of the site. However, that is not a reason for allowing another preserved tree to be removed.

18. A signed petition from 19 neighbouring residents has been submitted with this application, giving support for the removal of this tree. This indicates the strength of feeling in opposition to the trees. It is therefore predictable that, should permission be granted for the removal of the tree, a precedent will be set for future applications to remove other trees of this important group.

19. A suggestion to adopt a collective pruning regime was discounted due to differing personal circumstances and willingness to contribute to such a scheme.

### **Conclusion:**

20. The tree has considerable public value as part of this prominent group, which greatly softens the view into this densely developed site. From this standpoint the tree must be retained to perform its function as a public amenity. It is a healthy tree, despite its harsh pruning history. Planning policy demands that tree removal is both

justifiable and necessary. Therefore, there is no justification to remove the tree on grounds of its poor health or structure.

21. The case balances the several arguments for its removal based on the straitened living conditions the applicants and their immediate neighbours are living in, as detailed above. The option to prune the tree again rather than fell it would not excessively diminish the tree's stature and appearance and should be considered as an alternative course of action. Better still, a reduction of the whole group would largely resolve the issues raised.

22. To summarise, members must consider whether the compromise entered at the outset of the approved scheme in allowing big trees to be retained so close to such small houses has been outweighed by the mounting negative attitude towards them from residents, who suffer individually and collectively from their effects.

23. It is recommended to refuse permission to this application on the grounds that the reasons given do not justify the need to remove it. The proposal therefore runs contrary to Local Plan Landscape Policy LL9.

24. A condition requiring the replacement of this tree and a condition requiring prior notice of the works to remove it must be attached to the decision notice in the event of members agreeing to allow the felling.

**SUMMARY OF REPRESENTATIONS:**

WALTHAM ABBEY TOWN COUNCIL: No objection.