



REPORT TO AREA PLANS WEST COMMITTEE

Date of Meeting: 6th February 2013

**Subject: CONFIRMATION OF TREE PRESERVATION ORDER EPF/16/12
12 Downlands, Waltham Abbey, Essex.**

Officer: Robin Hellier

Recommendation :

That Tree Preservation Order 16/12 is confirmed without modifications.

REPORT DETAIL

1.0 Background ;

1.1 TPO/EPF/16/12 was made on 9th of September 2012 and protects a single large ash tree. The order was served to prevent the tree's intended removal, having been inspected to confirm it as an important landscape feature.

1.2 It stands in what is a large front garden of 12 Downlands and close to the boundary with 11 Downlands. It is approximately 15 metres from the above houses and a similar distance from the front of 286 Roundhills, where the objector lives.

1.3 12 Downlands is managed by Estuary Housing, who made the initial enquiry.

1.4 286 Roundhills is located to the south, separated by a public footpath and has a reasonably sized private rear garden to the south east, which is unaffected by the tree.

2.0 Grounds of Objection:

2.1 An objection to the Order has been received from a neighbour at 286 Roundhills. The objection is made on the grounds that:

- 1) The justification report advises that the tree in question stands approximately 15 metres from the rear of the property at 12 Downlands. It does, in fact, stand at the front of the property, at approximately 14 metres from 286 Roundhills.
- 2) This unmanaged tree is a health and safety issue. Dead branches threaten pedestrians and damage the street light. TPO guidance advises the pruning of deadwood, which contradicts the statement that this deadwood filled tree is healthy.
- 3) The justification states that the tree is much enjoyed by those walking past it but provides no evidence of how the council has arrived at this belief. A number of people living close to this tree do not enjoy this very large and overgrown tree.
- 4) The tree ruins the grass lawns, the drains become blocked and the footpath must be cleared regularly.
- 5) The council states that the tree has high intrinsic value within the housing estate. It is agreed that the tree would have high landscape value in a field or forest but not in a built up area, where it causes problems. It should not have been planted in the front garden of a residential house.
- 6) It is the objector's belief that the tree is much higher than 14 metres because a root broke through the pavement 1 metre from his house. The surrounding footpaths

have broken up severely due to this tree's roots and now are quite dangerous underfoot.

7) Service lines will be affected by the roots in time, if they haven't been already.

8) It has been asserted that the roots will affect the foundations of the objector's house in the near future, for which the council will be held responsible.

9) The height and spread of the tree, with a mass of foliage and branches, removes any intrinsic value to the objector, who then claims that if a council member were to live near to this tree there would undoubtedly be a different outcome.

3.0 Director of Planning and Economic Development Comments

3.1 Description of the tree and its condition.

The tree, subject of the order, is a cut leaved ash, about 14 metres in height and in excess of 16 metres in spread. It is a healthy, broad crowned tree, with a future lifespan of at least 40 years. Located adjacent to public footpaths from the estate to the local school and to fields to the east, it is a major landscape feature, visible by those walking to and from both Downlands and Roundhills. It is a healthy and attractive broad crowned tree.

3.2 The issues raised by the objection are addressed in turn, as follows:

1) The purpose of the description was to establish the land on which the tree stands and its relationship to other properties. The plan, which is definitive, shows this clearly.

2) There is no obvious safety issue. If any arose it could be addressed by specific pruning. The small amount of deadwood present is natural and does not suggest that the tree is dangerous. It could, in any case, be removed by agreement.

3) The TPO safeguards the tree, but allows the council the opportunity to fully consider any threats posed by it and make a decision that balances the benefits against any potential harm to neighbours.

4) Leaf fall occurs over a relatively short period and it is reasonable to expect that lawns, drains and footpaths should be maintained periodically.

5) Careful consideration of the tree's suitability was given at the time of inspection and it is considered satisfactory, particularly since the immediately affected spaces are front gardens. All the nearby properties have separate private rear gardens.

6) The tree's height has been accurately measured. It is understood that the concern expressed here is the potential danger of root damage to foundations. At around 15 metres from the building, the likelihood of root induced foundation damage is low. However, in the unlikely event of damage occurring, an application could be made to remove the tree or other solutions, such as a root barrier, explored. The presence of a surface root in the pavement cannot directly indicate their presence below foundations. The cracks in the pavement were noted but are minor and could be easily repaired.

7) No evidence of damage to underground services has been provided and therefore no weight can be attributed to this assertion at this time.

8) No evidence of damage to 286 Roundhills have been provided and therefore no weight can be attributed to this assertion at this time.

9) Before making the TPO a structured procedure was followed to ensure that its justification was objectively based. Members may be confident that the making of the TPO was entirely objective and that the result would have been the same no matter who lived in adjacent properties.

4.0 Conclusion

4.1 It is recommended that, in the interests of public amenity, the Order be confirmed. The new Order will protect this valuable specimen by allowing the council to ensure that any future pruning will not be harmful to its health or amenity in accordance with Council local landscape planning policy LL7.