

## **Report to Area Plans Sub-Committee South**



**Epping Forest  
District Council**

**Date of meeting: 30 October 2013**

**Subject: CONFIRMATION OF TREE PRESERVATION ORDER  
TPO/EPF/11/13 – 71a Stonards Hill, Loughton**

**Officer contact for further information: Melinda Barham (Ext 4120)  
Democratic Services: Gary Woodhall (Ext 4470)**

---

### **Recommendation(s):**

That tree preservation order TPO/EPF/11/13 is confirmed without modification.

### **Background**

1. A planning application has been submitted for a new dwelling in the rear gardens of 71 and 71a Stonards Hill, fronting on to Alderton Way.
2. There is a particularly prominent group of 2 leyland cypress trees in the garden of 71a Stonards Hill. These trees are approximately 10m in height, and are the largest trees within the immediate vicinity; as such they are an important feature of the area and are fair specimens. The planning application necessitated the removal of these trees, with no opportunity to plant suitable replacements.
3. That application has been refused for a number of reasons, including the loss of these trees. An appeal has recently been lodged.

### **Objections / Representations**

4. Five objections have been received. These are from the owner of the land, and the residents of numbers 4,6,7,8,9 Alderton Way, Loughton
5. There are six reasons for objecting, they are –
  - a) That the trees are at a dangerous height and would cause damage if they were to fall. (4,7 and 9 Alderton Way and the site owner)
  - b) Home insurance has been refused by some insurance companies because of the presence of the trees. (4 Alderton Way)
  - c) Could cause subsidence to my property (8 Alderton Way). If it causes subsidence to my neighbours property it will also affect me as our houses are attached (6 Alderton Way)
  - d) The land is unsightly and derelict, and has foxes and rats on it (4,7 and 9 Alderton Way)
  - e) Don't agree that these trees are an important feature, they do not add character to the neighbourhood, or provide a visual amenity (7, 9 Alderton Way and the site owner)

- f) The intention is not to remove the trees to allow development but to retain and prune them. If they have to be removed to facilitate development they would be replaced with eucalyptus. (site owner).

**The Director of Planning and Economic Development comments as follows:**

- 6. Taking each of the objections in turn –
  - a) It is rarely possible to state that any tree is 100% safe, and any tree that fails could cause damage to anything within its path. However, these trees were inspected at the time the order was made and nothing was noted that indicated that they were in such decline that they are likely to fail at the present time.
  - b) The distance between the trees and the property owner's house objecting for this reason is approximately 30m. This distance exceeds any likely influencing distance for this species of tree at the current height. The cost of house insurance is not a planning related matter.
  - c) No information has been put forward to demonstrate that the trees are currently causing damage to the adjacent property. If damage were to be found which could be attributed to these trees, then an application to fell the tree could be submitted, and a decision made on the bases of the technical reports submitted with such an application.
  - d) Untidy land with foxes and rats is not relevant to the protection of trees on this site, and is not a consideration as to whether this order should be confirmed or not.
  - e) These trees are prominent within the street scene, in that they are adjacent to the road, the tallest trees within the immediate area. As a result they are considered to have some public amenity value.
  - f) Given the size of the these trees, their root protection area is expected to extend over most of the site, as such the retention of these trees would not be possible if the site were developed. Once the site is developed it would not be possible to plant trees which would attain the prominence within the street scene that the current trees do. Eucalyptus is an unsuitable replacement as they are a fast growing, high water demanding tree which is more likely to cause damage to adjacent properties. However other, more suitable choices do exist.
- 7. Although these trees are imposing within the street scene, from the number of objections from the neighbouring properties they are not viewed as a green asset to the street.
  - a. The planning applications received to date on this site make no allowances for the safe retention of these trees, and provide insufficient space for even a small tree to be planted in their place.
  - b. By confirming this order without modification it will ensure that any proposals to removal and replacement of these trees are fully considered. Should Members agree any future application for the

felling of these trees it would be possible to impose a condition to require replacement with a more suitable species in the same location.

## **Conclusion**

8. Although the planning application has been refused, these trees still require legal protection by this order. To not confirm the order would be likely to result in the trees being felled, and insufficient space being allocated for suitable replanting should any development of the site be approved.

It is therefore recommended that the order is confirmed without modification.