

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/22/13 – 4 Connaught 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/22/13 is confirmed without modification

Background

1. A planning application has been submitted for rear and side extensions to the property. This would necessitate the removal of a silver birch which is a prominent feature within the street scene, and provide insufficient space for replacement planting that would soften the impact of the side elevation of the property.
2. The silver birch is a replacement for an ash tree which was protected by TPO/EPF/28/89. Permission was granted for the removal and replacement of the ash tree in 1998.
3. Legislation does not automatically protect the replacement tree in this situation, and to date the tree has not been under a threat of being removed. This application changes the status of the tree in that it is now under a threat of imminent loss if the application were to be approved.
4. The planning application (EPF/1698/13) has subsequently been withdrawn.

Objections / Representations

5. Two objections have been received, from the owner of the property and the architect who submitted the recent planning application.
6. There are five reasons for objecting, they are –
 - a) that the tree is not mature and has limited value in terms of its presence within the street scene.
 - b) that its removal would not cause any significant loss of enjoyment to local residents as there are other shrubs and laurels which provide adequate visual presence within this section of Connaught Hill.
 - c) The tree is in the wrong location and if left will cause damage to the house. It is already causing damage to the retaining brick wall.
 - d) The owner has expressed a willingness to plant a new tree further along the boundary away from the house and the retaining wall.

- e) That the property currently provides insufficient space for the owner and his family's needs. The presence of this tree is preventing the extensions that they require.

The Director of Planning and Economic Development comments as follows:

7. Taking each of the objections in turn –

- a) It is acknowledged that the tree is not yet mature, but there is nothing within the guidance when making tree preservation orders which prevents young trees being protected, indeed trees can be protected before they have been planted.
- b) Officers are unable to legal protected shrubs with a TPO, only trees. The shrubs planted along this border have limited ability to grow to sufficient height to assist in screening the expansive side elevation of the property. As a result officers consider that the presence of this tree in this location breaks up the view of the side of the property and in doing so does provide amenity value to those passing the property.
- c) Silver birch trees are low water demanding trees, and are specifically chosen where planting is required at close proximity to buildings. The foundations for the house should have taken into account the presence of the ash which is a 'moderate' water demanding tree, therefore they should be sufficiently robust to accommodate the presence of the silver birch. It is noted that there are cracks in the boundary wall but no information has been put forward to demonstrate that this is as a result of the presence of this tree. It is open to the objectors to submit an application to fell on this ground, providing the necessary evidence
- d) A willingness to plant elsewhere in the garden is not an acceptable solution in this instance. The purpose of planting adjacent to the side elevation of the property was to help to reduce the visual impact of the height of the property within the street scene, which is exacerbated by its location above street level.
- e) Whether or not the house is large enough to accommodate the people living within it is not a consideration in determining whether this tree should be protected or not. The TPO allows for the tree to be retained, pending consideration of any future application.

Conclusion

8. Although the planning application has been withdrawn, this tree still requires legal protection by this order. Not to confirm the order would be likely to result in the tree being felled, and with no certainty of sufficient space being allocated for suitable replacement planting should any development of the site be approved.

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