

Report to Area Plans Sub-Committee South



**Epping Forest
District Council**

Date of meeting: 11 June 2014

**Subject: CONFIRMATION OF TREE PRESERVATION ORDER
EPF/17/13 77 York Hill, Loughton, Essex.**

**Officer contact for further information:
Democratic Services:**

**Robin Hellier (Ext 4120)
Mark Jenkins (Ext 4607)**

Recommendation(s):

That Tree Preservation Order 27/13 is confirmed without modifications.

Background

1. TPO/EPF/27/13 was made on 13th of December 2013 to protect a Norway Spruce. The tree has high visual amenity in the York Hill Conservation Area.
2. A notice was submitted to remove the tree due to its dangerous size and shading impacts on neighbouring properties.
3. The tree has been assessed for its visual contribution, life expectancy, suitability and importance of location.
4. The tree's preservation guarantees replacement in the event of future applications to fell it being considered acceptable.

Objection and representations to the Tree Preservation Order

5. There have been three objections to the Order:
 - 1) 77 York Hill. The tree owner states that the tree is a Christmas tree, planted 40 years ago, that has grown beyond all expectation. Its quick recent growth now blocks out light, drops debris over a neighbouring garden and looks particularly menacing in high winds. In hindsight the tree would not have been planted so close to the house. A replacement could be planted in a better place, further from houses currently under threat.
 - 2) 79 York Hill. Since moving in 7 years ago, the tree has doubled in size. The tree is very close to the property and has dropped many small branches recently. It is considered dangerous and likely to shed large branches or fall over, with the potential to cause severe damage or injury. A replacement might be planted a little further away from our property but it is felt most strongly that this tree should be taken down at the earliest opportunity.

- 3) 75 York Hill. When the tree was planted 40 years ago the owner never envisaged it would have grown to such a height, otherwise they would not have planted it so close to the house but at the bottom of the garden. The tree is considered highly dangerous, which bends back and forth to a frightening degree.

Head of Planning Services Comments

General comments

6. As general issues and in addition to the specific points raised the inspecting officer has considered its contribution to wider amenity and its suitability for retention in its location.

7. This is a healthy and well shaped, attractive tree, currently some 12m tall. It stands centrally and in open view between two properties. It was found to be clearly visible over the houses from the lower and upper sections of York Hill itself but is also glimpsed from Queens Road. It has a good life expectancy (of approximately 40 years). As a consequence it has considerable capacity for further growth and so for a corresponding increase in its wider visual amenity.

8. However that potential for further growth is likely to lead to it outgrowing its location. The species' characteristics mean that it would not be likely to respond well to crown reduction. However it is considered that the foreseeable Safe Useful Life Expectancy, in this location, should still be at least 15 years.

9. Response to objections, summarised under specific headings:

- a) The current size of the tree and problems with shade and debris.
- b) The problems cited are not currently serious in relation to the owner's property. It is considered that the tree's position, 10 metres from the rear of the house, is acceptable at the present time.
- c) The building closest to the tree is a recent extension at 79 York Hill, which suffers light loss and some debris from the tree. It is advised, in the relevant British standard, that likely tree impacts should be considered before proceeding with proposed developments. Therefore, while it is not contested that some problems may be being experienced, it is considered that any such problems suffered in respect of the extension at number 79 must be weighed against the tree's prominence.

10. Growth potential, appropriateness and pruning options.

- a) The neighbour at number 75 asserts that the tree is highly dangerous. The tree's narrow form is likely to bend but its good health and structure are not challenged. It is possible that it might become overpowering as the tree reaches its ultimate height and spread. No evidence of danger has been submitted and the case officer's inspection revealed no specific causes for concern.
- b) Pruning the top would harm its amenity value, which might in time justify its removal rather than ongoing disfiguring management.

11. Replacement

- a) No legal powers exist to enforce replacement planting prior to felling a tree within a Conservation Area. Such a voluntary undertaking would be difficult to monitor where new planting is promised following felling.
- b) The order ensures future replanting in the event of its removal.

Conclusion

12. It is recommended that, in the interests of public amenity, the order be confirmed without modification. The order will allow the council to ensure that any future application to fell the tree will be considered for the safeguarding of amenity value; in accordance with Council local landscape planning policy LL7.