



TO: Planning Committee (North)
BY: Head of Development
DATE: 06 August 2019
DEVELOPMENT: Fell 2 x Cypress & 1 x Sycamore; Surgery to 1 x Line of Cypresses
SITE: Willow Cottage, 21A Cedar Close, Horsham, West Sussex RH12 2BN
WARD: Trafalgar
APPLICATION: DC/19/0741
APPLICANT: **Name:** Mrs Elaine Yeowe **Address:** Willow Cottage, 21A, Cedar Close
Horsham RH12 2BN

REASON FOR INCLUSION ON THE AGENDA: At the request of Councillor Costin.

RECOMMENDATION: It is recommended that the application be granted, subject to appropriate conditions.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the application.

DESCRIPTION OF THE APPLICATION

1.2 The application proposes the felling of 2 x cypress trees, a stem from a sycamore tree and surgery to a cypress hedge.

DESCRIPTION OF THE SITE

1.3 The two cypress trees and the basal stem of a large sycamore tree targeted for removal are positioned close to the southern boundary of the property, to the rear of the boundary fence adjoining the properties in Springfield Park Road.

1.4 The cypress hedge runs along the western boundary of the property adjoining the properties 32 and 33 Springfield Crescent.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 As trees subject to a tree preservation order (TPO), it is a legal requirement that any person wishing to undertake works to any live part make an application to the Local planning

Authority under the **Town & Country Planning (Tree Preservation) (England) Regulations (2012)**.

2.2 The property in question is subject to two separate TPO's:

- TPO/0050, confirmed on the 5th October 1956.
- TPO/0667, confirmed on the 10th October 1989.

RELEVANT GOVERNMENT POLICY

2.3 Members are advised of the principles of good practice set out within the on-line publication **Tree Preservation Orders and trees in conservation areas** (<http://planningguidance.planningportal.gov.uk/> dated 6th March 2014).

3. OUTCOME OF CONSULTATIONS

3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

PUBLIC CONSULTATIONS

3.2 No representation has been received from the local Neighbourhood Council.

3.3 Nine letters of objection have been received from local residents. The key concerns set out are:

- That the trees bring wildlife, nature and character to the locality;
- That they provide a high level of visual amenity value;
- That there is no good reason for felling the trees selected for removal;
- That the applicants knew that protected trees were present at the time of their recent purchase of the property;
- That permission to fell the trees selected for removal will set a precedent in the locality;
- That the removal of the three trees will result in a loss of privacy (and an increase in noise) to 16 Springfield Park Road;
- That the trees have an important historical value as part of the old Springfield Park estate;
- The removal of the trees selected for removal will have a negative effect upon the Urban Heat Island effect (*sic*) that the trees contribute to.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application; consideration of human rights forms part of the assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 Not applicable in this case.

6. ASSESSMENT

6.1 The trees the subject of this application are specimens that post-date the original TPO placed upon the southern periphery of the old Springfield Park estate in 1959 prior to the

development of the Cedar Close estate. However, they are protected by inclusion within the later TPO, dating from 1989, served to protect all of the trees on the site at that time prior to the erection of Willow Cottage (21a Cedar Close), in what was the originally the large rear garden of 21 Cedar Close.

- 6.2 Few of the originally planted trees present in 1959 remain – this being true not just of Willow Cottage, but of the 17 other properties in Cedar Close and Blunts Way along the southern boundary of which the TPO still exists. In many properties, not least in Willow Cottage, newer trees have either been planted or have established themselves, and this includes the trees the subject of this application.
- 6.3 A number of trees have been lost from the property in recent times, not least a large sycamore close to the southern site boundary which died over the winter of 2015/16, suffering from Sooty Bark mould and colonisation by a pathogenic decay fungus at its base. A recent application (DC/18/0544), regarding the proposed felling of all of the large trees in the south-western corner of the site was determined by way of a split decision, the tall, prominent Douglas fir trees being retained.
- 6.4 In early March of this year, just days after the purchase of the property by the applicants, a tall sycamore tree close to the southern boundary fell to the north, striking the dwellinghouse but luckily causing no injury. Upon inspection it was clear that unbeknown to anyone the base had been colonised by Brittle Cinder fungus (*Kretschmaria deusta*), this causing the decline of above-ground parts of the tree as well as comprehensive degradation of the root tissues. This event resulted in the applicant's requesting an inspection from the Council's Arboricultural Officer of other trees in the garden, and this took place on the 21st March 2019.
- 6.5 Inspection revealed the presence of two very modest conifers (T5, T6) in close proximity to the fallen sycamore, trees exhibiting sparse foliage with tip dieback – the signs of similar colonisation of the roots by fungal decay. These trees exhibit trunk diameters at chest height of 333mm and 239mm only; at around 14m and 8m in height, respectively, these are drawn up trees of poor form and relatively low merit. Should either suffer basal failure, akin to the recent failure of the sycamore, falling to the north, both would strike the applicant's house.
- 6.6 Although the removal of these two trees might be noticeable from a number of the surrounding properties to the south and west, they are background trees only; the distance from the closest dwellinghouse in Springfield Park Road is nearly 40m. And although they make some contribution to the general tree'd landscape in the locality, they have limited safe useful life expectancy and would best be replaced.
- 6.7 In the south-eastern corner of the garden is a large old sycamore, a tree comprised of two main stems, together with a low, sub-dominant stem leaning to the south into the garden of 14 Springfield Park Road (T8). Whilst this stem has been targeted within the application for "fell to near ground", this does NOT refer to the whole tree, but solely to the low sub-dominant stem. At the point of emanation of this stem is a wound resulting from what appears to be an older, fourth stem, long gone. The wound is exhibiting some signs of decay. It would represent best practice on health grounds to carefully remove this stem to 'near the ground' to allow the tree to occlude the wound, minimising the likely entry of pathogenic decay.
- 6.8 The conifer hedge (G10) is a rather ragged line of 6 x large fast growing cypresses along the western site boundary. Clearly visible from Springfield Crescent, they provide a privacy screen to the properties to the west, but from the applicant's property constitute a dense green canopy with a brooding presence, cutting off a great deal of light into the property to a degree which most might consider intolerable. The tree line has been trimmed on various occasions previously and is now retained at a height of approximately 9m. They are of no other especial or particular merit.

- 6.9 The applicants have proposed to trim the heights of these trees by up to 0.5m only, to achieve a more level line. It is also intended to trim back some of the lateral growth into the garden by up to 2m. This work will be almost unnoticeable to any person save the applicant. The trees will readily handle the very small degree of pruning and will not be harmed. The works accordingly appear reasonable and unobjectionable.
- 6.10 Collectively, these works are reasonable, prudent and represent best practice. The two conifers to be wholly removed shall be replaced with more suitable specimens as secured by condition. It is not considered that their removal will have any more than a very minor effect upon the character and amenities of the locality; that wildlife shall be irredeemably harmed; or that there will be any negative effect upon the privacy of neighbours, nor noise levels in this urban area. Moreover, it is considered that any loss to the overall foliar town coverage is outweighed by the low merit of the trees, their poor health and concerns over the possibility of structural failure. The granting of consent for these works sets no precedent for works to other protected trees in the vicinity.

7. RECOMMENDATIONS

It is recommended that the application be granted, subject to the following conditions:

- 1 The tree work to which this consent relates shall be carried out within two years of the date of this consent.

Reason: To enable the Local Planning Authority to review the need for the works in the event of this consent not being implemented.

- 2 The applicant shall within a period of six months following the felling of the trees, the subject of this application, plant the same number of replacement trees of a species and maturity and in positions approved by the Local Planning Authority. In the event that any of these trees should die following planting, they shall be replaced with similar trees in similar positions within six months of the death of each specimen.

Reason: In the interest of amenity.

- 3 The surgery to which this consent relates shall be carried out in accordance with BS 3998 'Recommendations for Tree Work' (2010). Where applicable, retained side shoots intended to form the new dominant shoot must be at least 30% of the diameter of the parent branch.

Reason: To ensure that the surgery is carried out in accordance with best arboricultural practice.

Notes to applicant

Works limitations

The applicant is strongly advised to ensure that the contractor carrying out the work is made aware of the above conditions. Should the works carried out exceed that which is permitted then it may be open to the Local Planning Authority to take prosecution action against the owner of the tree(s) and the contractor. If the applicant is unclear about any aspect of the specification for works, they are strongly advised to contact the Council's Arboricultural Officer on 01403 215515 prior to the commencement of the works.

Wildlife protection

The applicants attention is drawn to the provisions of both the Wildlife and Countryside Act 1981, and the Countryside & Rights of Way Act 2000. Under the 2000 Act, it is an offence both to

intentionally or recklessly destroy a bat roost, regardless of whether the bat is in the roost at the time of inspection. All trees should therefore be thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at Quadrant House, 250 Kennington Lane, London, SE11 5RD. Details: Tel: 0345 1300 228; E-mail: enquiries@bats.org.uk.

Background Papers: DC/19/0741