

21/00195/TORDER

Objectors Mr Aled Davies and Mr Anthony Mitchell

Location 26 Prince Edward Crescent

Proposal Objection to Tree Preservation Order

Ward Radcliffe on Trent

THE SITE AND SURROUNDINGS

1. The Tree Preservation Order (TPO) protects a Willow tree in south west corner of 26 Prince Edward Crescent, a detached property in the 'Canadian Estate', Radcliffe on Trent. The estate gained its name as it was constructed in the 1950's to house Canadian airmen and the tree is located in the former commander's house which is a detached dwelling in a street of predominantly bungalows. The road has a pleasant sylvan setting due to mature trees at number 26, but there is also a grassed verge within the road that contains a number of trees. The garden lies to the west of the property with its drive and front garden located to the east.

DETAILS OF THE TREE PRESERVATION ORDER

2. The TPO was made on the 4th November 2021 and needs to be confirmed within 6 months of being made otherwise it will lapse.

SITE HISTORY

3. The Council received a planning application to construct a dwelling in the grounds of the property, reference: 21/01850/FUL this drew the Council's attention to the tree after 3 residents raised concerns about its loss. The tree was assessed and because it makes a strong contribution to the street scene it was thought appropriate to protect the tree. At the time of writing the above planning application is on-going with a revised design that allows the retention of the tree.
4. There is an older TPO covering 26 Prince Edward Crescent, this was made in 1992 and protects a Lime tree in the front garden of the property.

REPRESENTATIONS

Local Residents and the General Public

5. Two objections to the TPO have been received, one from the owner of the property where the tree is located, the other is from the owner of the adjacent property at number 28 which is the house located closest to the tree.

6. The owner of the tree objects to the TPO for the following reasons:
 - Pre-application planning advice for a dwelling was positive.
 - Advice from estate agents was this property was likely to be bought by a developer and they did not want the property to be demolished hence the application to construct a bungalow in the garden. The parents of the property owner planted the Willow in 1964.
 - Willows are fast growing and have shallow growing invasive roots that can extent for 100ft. The Willow is 19ft from their neighbour's property who has also objected. The neighbour has a bulge in the floor and in the past has had to clear roots from the drains.
 - The Willow is already over 60 years old but should only live for 20-40 years and is therefore over its normal lifespan.
 - Due to its proximity to the neighbouring property, high water demand, size and the fact it is over its typical lifespan it poses a risk to the property and could cause subsidence damage.
 - There are shared drains close to the tree which may also be affected.
 - The owner questions the public amenity value to the 3 residents who objected to its removal during the planning process, by looking at lines of sight between the tree and property.

7. The owner of adjacent property objects due to:
 - Past structural damage the which the builder said almost certainly due to the tree. There is currently a small lump in the carpet which could be caused by roots.
 - Roots have been dug out of the drain in the rear garden in the past.
 - Concerns over the age of the tree and what would happen if a gale were to bring it down.

APPRAISAL

8. Pre-application was given to the owners of the property about the possibility of carrying out development within the garden and the following advice was given in respect of trees: *"Any scheme should be designed with the continued protection of the TPO tree within the site in mind. There are a number of other trees within the site that although not protected still make a contribution to the amenity of the area. Therefore, I suggest a tree survey would be necessary to support any application for the redevelopment of the site."* The conclusion of the pre-application advice as that: *"Although residential use in this location is considered acceptable in principle you must demonstrate that the proposed development meets the requirements of national and local planning policies."* No tree survey was submitted with the planning application and the application drawings did not show the tree or give it due consideration.

9. Under the section 197 of the Town and Country Planning Act 1990 local authorities have a duty to consider using conditions or TPO's to protect trees when considering planning applications.

10. Willows are fast growing tree but the lifespan given by the objector is taken from an American website where *Salix babylonica* is more common, this tree does have a short lifespan but as it is not resilient to frosts it is quite rare in the UK and only suitable for southern parts of the country. Most UK weeping Willows are a hybrid of *Salix alba* and *Salix babylonica* called *Salix x Sepulcralis*, this tree is more resilient to cold weather and has a much longer

lifespan. It is considered that the tree has a sufficiently long useful life ahead that ongoing protection is justified.

11. Trees can cause damage to properties and this can take many forms with light structures such as paths being readily lifted by roots. Damage to houses usually occurs when trees extract moisture from clay soils causing it to exacerbate seasonal fluctuations in soil water content which can cause clay to shrink after summer months and swell again in winter leading to movement in buildings. This is likely to result in cracks to walls particularly in weak points close to doors or windows or where walls meet ceilings or floors. It is extremely unlikely that roots would be able to push up the floor of a building as these are usually suspended timber, or concrete slabs. An officer visited the adjacent property to look at the lump in the floor, this is very minor and at the current time it is impossible to determine if the tree is the cause, but as the tree is separated from the property by a detached garage and area of paving, it is unlikely that roots would proliferate under the house.
12. Tree don't know drains contain water and don't seek them out, but if cracks exist they will provide roots with ideal growing conditions which they take advantage of. It may well be the case the roots have entered the drain which runs along the northern edge of both gardens in the past. However, there is no evidence to suggest the roots come from the Willow tree and there are a number of other trees close to, or on top of the drain. Leaking drains can also be relined to help prevent further root encroachment.
13. Whilst there is a chance the tree could be affecting the adjacent property or the drains, the objections only infer this is the case and no evidence has been presented to show that the Willow is the cause of the issues raised. Many of the issues raised date back to when each respective property was owned by relatives of the current owners and whilst we do not know what was said at the time, the tree was retained.
14. The Willow has been pollarded in the past to reduce its canopy back to a framework of stubby limbs, when this work takes place the new growth has weaker attachment points than a normal branch and repeat pollarding needs take place on a cyclical basis. Willow trees quickly regrow and are suitable for this type of management, in the past it was used as a way of generating timber. In the current context, the advantage of such work is that repeat pruning will reduce the canopy and in turn the water demand of the tree which will reduce the risk of subsidence. Such work would also reduce the risk of the tree failing in high winds.
15. It is considered at this time there is no evidence to suggest the tree is affecting the neighbouring property or drains, or that there is any pressing need to remove the tree now that it has been protected. Confirming the TPO would make it permanent but would still allow interested parties to submit applications to prune or fell the tree in the future. Government advice is that where applications are needed due to tree-related subsidence damage they should be properly supported by appropriate investigative information such as assessments of damage, level monitoring, trial pit assessments to assess foundation depth and subsoil characteristics and to identify any tree roots as well as assessments of drains. It is considered that confirming the order would allow the above assessments to be made with a view to future application

being made if evidence of damage comes to light. The Council also recognises that it would be appropriate to allow the tree to be re-pollarded in the future.

16. The owner of the tree questions its amenity value to those people who objected to its removal following the planning application by suggesting the tree is not visible or prominent from their properties. The primary purpose of TPO's is to protect trees in the "interests of amenity", this is not defined in law, but Government advice suggest trees should be at least visible from a public vantage point. The Willow is particularly prominent from the road to the west but can also be viewed from the end of the public footpath to the east. It is the visual prominence of the tree from these public vantage points which justifies protection rather than any views from nearby properties.

RECOMMENDATION

It is RECOMMENDED that the TPO be confirmed without modification.