



Report to Development Control Committee

Agenda
Item:
A2

Meeting Date: 8th June 2018
Portfolio: Economy, Enterprise and Housing
Key Decision: Not Applicable:
Within Policy and
Budget Framework YES
Public / Private Public

Title: Application for works to a tree protected by a Tree Protection Order
Report of: Director of Economic Development
Report Number: ED/19/18

Purpose / Summary:

This report relates to an application for works to a Maple Tree located at the rear garden of 3 Lime House Gardens. The assessment has taken into account of all concerns raised by neighbouring residents. The Council has commissioned Westwood Landscape to carry out a site inspection and an independent assessment of this Maple tree, and the applicant has revised the proposal in accordance with the recommendations made within the Tree report.

Recommendations:

It is recommended that permission is granted for the proposal to reduce the crown of this Maple tree by 2m maximum; to remove a lower limb and to add topsoil to the exposed surface roots.

Tracking

Executive:	
Scrutiny:	
Council:	

1. BACKGROUND

- 1.1** On 30th October 2015, TPO 277 was confirmed by Carlisle City Council to protect a group of 3no. trees (1no. Oak, 1no. Birch and 1no. Maple) located to the rear gardens of 1 to 3 Lime House Gardens.
- 1.2** In November 2015, an application (15/0020/TPO) was submitted by the previous owner of 3 Lime House Gardens to fell the Maple tree. This application was refused by the Development Control Committee on 18th March 2016. The reason for this refusal was that the impact caused by the loss of the tree is greater than the benefits that will accrue to the applicant as a result of the tree removal.
- 1.3** This current application was submitted by the new owner of 3 Lime House Gardens and the proposal originally was for the removal of this Maple tree.
- 1.4** During the site inspection, it is the Case Officer's opinion that this Maple tree in question is in good condition. As such, it is difficult to justify the removal of a healthy, protected tree that provides a moderate to high amenity value. This was reflected to the applicant during a site meeting, who subsequently confirmed to amend the description of the proposal to reduce the crown of the tree by 2m maximum; to remove a lower limb extending eastwards to balance the crown of the tree and to add topsoil to all exposed surface roots.

2. PROPOSALS

- 2.1** The application seeks permission to reduce the crown of a Maple tree by 2m maximum to remove all peripheral deadwood; to remove a lower limb extending eastwards to rebalance the tree and to add topsoil, to a minimum depth of 50mm, to all exposed surface roots.

3. CONSULTATION

- 3.1** This application was registered as valid on 12th February 2018. The application was advertised by means of a site notice. During the initial consultation 8 letters of objection were received. The main concern raised within the objection letters is that the removal of this tree would have a detrimental impact to the overall amenity of the area.

3.2 Following the change in the description of the proposal, all neighbours were re-consulted and 7no. letters of objection to the revised application were received. The main issues/concerns raised are summarised as follow:

a) the proposed crown reduction would seriously stunt its shape and damage it irreparably

b) The proposed crown reduction would reduce the value of the group of TPO trees

c) The proposed crown reduction would not significant increase the amount of light entering 3 Lime House Gardens

d) The Council should seek independent assessment conducted by a qualified arboriculturist to find out the best course of action to this protected Maple tree.

3.3 Wetheral Parish Council were also consulted on this application. They have objected to the original proposal to fell this tree and considered that the removal of certain lower branches would be sufficient to resolve the problem of light restriction. The Parish Council did not make any representations on the revised proposal.

4. Assessment

4.1 The Maple tree in question is located at the rear garden of 3 Lime House Gardens. It is considered that this Maple tree has a moderate to high landscape and amenity value to the area as it provides a natural landscape buffer and partial screen between properties of Lime House Gardens and the longer established properties of Jennet Croft.

4.2 During the initial site inspection, the tree was considered to be in reasonably good condition, apart from that the main stem of the tree has a prominent lean towards 3 Lime House Garden. The tree shows no evidence of significant defects or reduced vigour. Accordingly, the Case Officer found it difficult to justify the felling of this tree.

4.3 Following several discussions and a site meeting with the applicant, the applicant has decided to amend the proposal to reduce the crown of this Maple tree by 2m maximum. The main reason for the proposed crown reduction is to reduce the overall overshadowing and overbearing impact of the tree towards 3 Lime House Gardens.

4.4 On 26th April 2018, the Council commissioned Westwood Landscape to carry out a site inspection and an independent assessment of this Maple tree. The tree report

submitted by Westwood Landscape (Appendix B) concludes that the tree is in good condition and that there are works that could be done to safeguard the safety of the occupiers of 3 Lime House Gardens and to improve the overall health of the tree. The report has made the following recommendations:

- The tree should be retained to maintain the landscape and amenity value of the area.
- Removal of the lower limb extending eastwards with a cut close to main stem. This will balance the crown of the tree and reduce the load on the east side to alleviate pressure on the leaning main stem.
- Minor crown reduction of approximately 1m around the outer margins and certainly no more than 2m to include the removal of peripheral deadwood.
- Removal of two hanging branches which are evident in the canopy for safety reasons
- Addition on topsoil (50mm minimum depth) to exposed surface roots and re-turfing or re-seeding to lawn to ensure protection of tree roots from abrasion and mower damage and from desiccation in dry conditions.
- Monitoring of health of tree in 12 months from pruning work to assess tree condition and adaptation and advise on further action as required.
- Additional planting of trees within the garden is recommended to ensure that there is a future replacement for the Maple tree. Light foliage and small canopy trees are recommended such as *Betula* and *Prunus spp.*

- 4.5** The applicant has taken into account the aforementioned recommendations and agreed to further amend the description of the proposal on 4th May 2018. Wetheral Parish Council and all neighbours were re-consulted on this revised proposal on 8th May 2018. No comments have been received in relation to the latest proposal revision.
- 4.6** Overall, it is considered that the revised proposal would not structurally harm or significantly affect the long term health of the protected Maple tree. By reducing the overall crown size and removing a lower limb of the tree would facilitate the tree to rebalance itself, and subsequently lessen the degree of the lean and alleviate the resultant overshadowing and overbearing impact, in particular towards the first floor bedroom windows of 3 Lime House Gardens. By removing all the peripheral deadwood, it would help to safeguard the safety of the occupiers of 3 Lime House Gardens.
- 4.7** Several objectors mentioned in their objections that the new owners of 3 Lime House Gardens should be aware that the tree is protected by a TPO and that they

had the opportunity before completing the purchase to decide whether the presence of the Maple tree would have a detrimental effect on their enjoyment of the property. That being said, given that the applicant had revised the proposal and that the revised proposed works are considered to be in the interest of good arboricultural practice, it is not considered that the proposed works would detrimentally affect the current landscape and amenity value of the tree, but would enhance the health of the tree in the long term.

- 4.8** No tree is proposed to be felled and the proposed work will not detrimentally affect the long term health of the Maple tree in question. Whilst it is incontrovertible that the proposed work would temporarily affect the visual amenity of the area, it is felt that the impact would only be minor. Whilst several objectors argue that the proposed would reduce the value of the whole group of TPO trees, it is felt that the impact is temporary only. As such, it is not felt that the impact of the proposal on the amenity of area would be detrimental enough to warrant refusal of this application. Overall, it is considered that the extent of works proposed to the Maple trees is appropriate, as it would alleviate the tree's overbearing and overshadowing effect to 3 Lime House Gardens, without exerting any detrimental, long term, irreversible impact on the tree or the character of the surrounding area.

5. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 5.1** This Maple tree in question should be retained to maintain the landscape and amenity value of the area. However, due to the proximity of the tree and the property, this tree has some overshadowing and overbearing impact towards the property, 3 Lime House Gardens, which further exacerbated by the pronounced lean of the Maple tree towards the property.
- 5.2** Overall, it is considered that the proposal to reduce the crown by 2m maximum; to remove all peripheral deadwood; to remove a lower limb which extend eastwards and to add topsoil (50mm minimum depth) to exposed surface roots, would allow the tree to rebalance and that the proposed works are considered to be in the interest of good arboricultural practice. The proposal will not significantly nor detrimentally affect the long term health of these trees, nor would the proposal has a long term adverse impact on the character or visual amenity of the area. As such, it is suggested that this application is approved with conditions to restrict that all works are to be carried out in accordance with BS3998:2010 - Recommendation for Tree Works.

Contact Officer: Alanzon Chan

Ext: 7260

**Appendices
attached to report:**

- **Appendix A – Location Plan (Provisional landscaping Plan)**
- **Appendix B – Independent Tree Assessment Report by Westwood Landscape**

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- **Planning Practice Guidance Tree Preservation Orders and Trees in Conservation Areas**

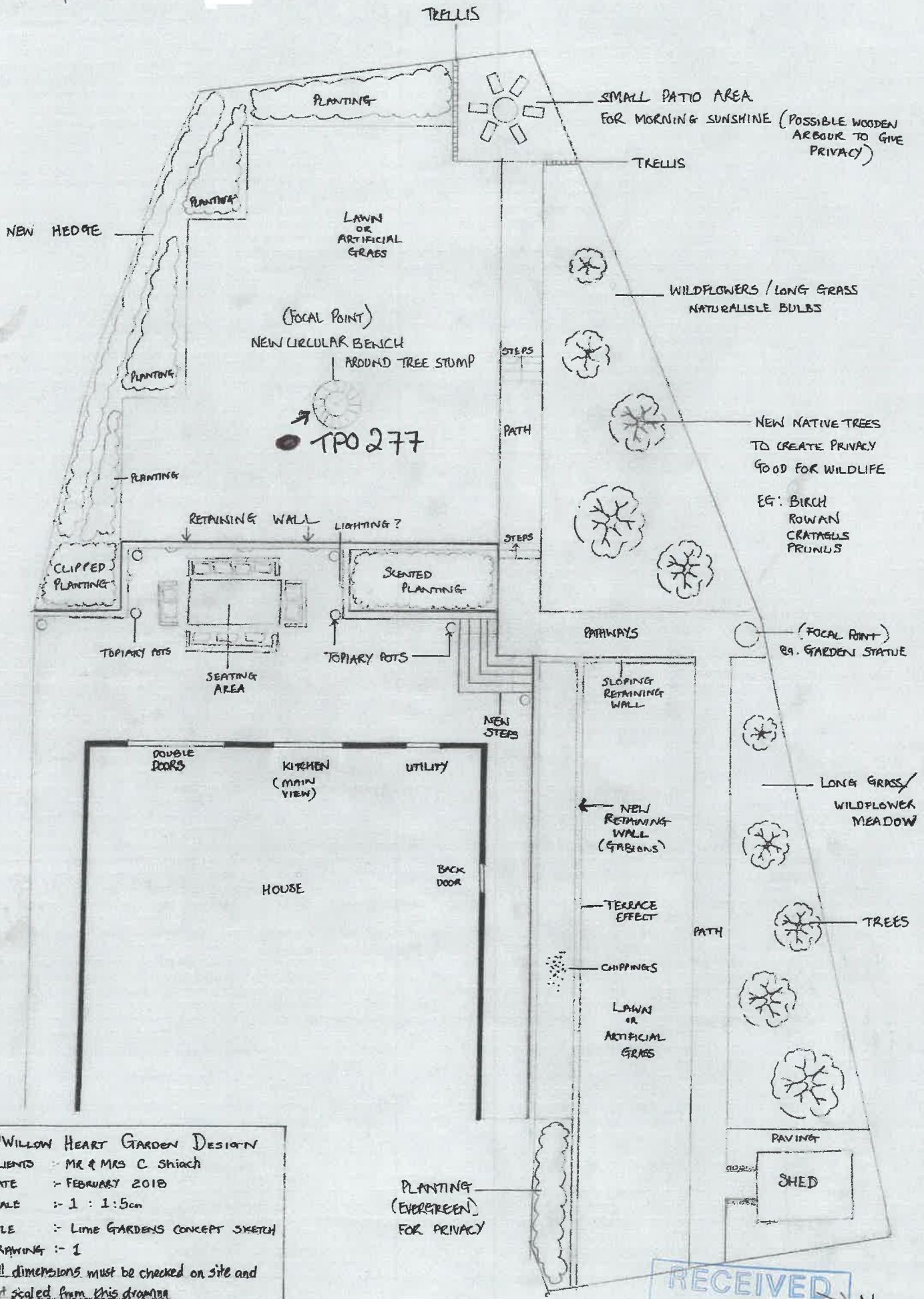
CORPORATE IMPLICATIONS/RISKS:

Community Services – N/A

Corporate Support and Resources – N/A

Economic Development – Contained within the report

Governance and Regulatory Services – Contained within the body of the report



©WILLOW HEART GARDEN DESIGN
CLIENTS :- MR & MRS C Shriach
DATE :- FEBRUARY 2018
SCALE :- 1 : 1:5cm
TITLE :- Lime GARDENS CONCEPT SKETCH
DRAWING :- 1
All dimensions must be checked on site and
not scaled from this drawing.

RECEIVED
10 APR 2018
18/0005/110



3 LIME HOUSE GARDENS- TREE REPORT

Introduction

Westwood Landscape were commissioned by Carlisle City Council on 26th April 2018 to carry out a site inspection and brief appraisal and recommendations for a tree which was the subject of an Application for Works to a TPO. Objections from neighbouring properties had been received from the LPA which required an independent professional assessment.

Tree Assessment

The mature Acer spp tree was inspected on 25th April 2018 by surveyor Bruce Walker, Chartered Landscape Architect with LANTRA Professional Tree Inspector Certification. The tree is situated within a close mown lawn area to the rear garden of the property and is protected with a TPO.

It is considered to contribute moderate to high landscape and amenity value to the area as it provides a natural landscape buffer and partial screen between the houses of Lime House gardens and the longer established properties of Jennet Court. It enhances the setting of several properties at Lime House Gardens and Jennet Court.

The tree is in reasonably good condition with a natural broad canopy and structurally stable although an easterly lean of the main stem towards the property 3 Lime House Gardens was noted which is exacerbated by a large lower limb which extends considerably eastwards.

A retaining wall has been erected to achieve the platform for the house at 3 Lime House Gardens which will have required the severance of minor roots of the tree around the periphery of the RPA during the construction of the property. Some roots are exposed at the surface of the lawn and minor abrasion damage is evident probable from lawn mower action.

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Photographs



Photo 1 View eastwards showing the Maple tree in the context of the house and balanced crown from this aspect.

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Photo 2 View southwards showing the existing gradient to the lawn and the easterly lean of the tree towards the property.

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Photo 3 showing the lower limb extending eastwards towards the property and the main stem lean eastwards.

Recommendations

1. The tree should be retained to maintain the landscape and amenity value of the area.
2. Removal of the lower limb extending eastwards with a cut close to main stem. This will balance the crown of the tree and reduce the load on the east side to alleviate pressure on the leaning main stem.
3. Minor crown reduction of approximately 1m around the outer margins and certainly no more than 2m to include the removal of peripheral deadwood.
4. Removal of two hanging branches which are evident in the canopy for safety reasons.

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5. Addition on topsoil (50mm minimum depth) to exposed surface roots and re-turfing or re-seeding to lawn to ensure protection of tree roots from abrasion and mower damage and from desiccation in dry conditions.
6. Monitoring of health of tree in 12 months from pruning work to assess tree condition and adaptation and advise on further action as required.
7. Additional planting of trees within the garden is recommended to ensure that there is a future replacement for the Maple tree. Light foliage and small canopy trees are recommended such as *Betula* and *Prunus spp*

The current landscape and amenity value of the tree will not be significantly reduced by the pruning recommended and the health of the tree will be maintained in the short term and enhanced in the longer term.

Bruce Walker
Chartered Landscape Architect

26th April 2018

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