

WELWYN HATFIELD BOROUGH COUNCIL
ESTATE MANAGEMENT SCHEME APPEAL PANEL – 29 SEPTEMBER 2016
REPORT OF THE HEAD OF PLANNING

6/2016/0956/EM

10 RUSSELLCROFT, WELWYN GARDEN CITY, AL8 6QT

REMOVAL OF PINE TREE LOCATED WITHIN REAR GARDEN

APPLICANT: Mrs. L Mitchell

(Handside)

1 Background

- 1.1 This is an appeal against the refusal of Estate Management Consent for the removal of a pine tree located with the rear garden of 10 Russellcroft Road. The application (/2016/0956/EM) was refused on 7th July 2016 for the following reason:

'The loss of the tree would result in the loss of landscaping that would detrimentally harm the character and visual amenity of the area. Insufficient justification has been provided to demonstrate why the loss of the tree is required. Accordingly the proposal fails to maintain the character and appearance of the application site and surrounding area and is harmful to the values and amenities of the Estate Management area, contrary to Policies EM3 of the Estate Management Scheme.'

2 Site Description

- 2.1 The appeal site comprises of a two storey semi detached dwelling. The tree is located with the rear garden to the north east of the house.

3 The Proposal

- 3.1 The proposal is for the removal of a mature Scots pine tree located within the rear garden of 10 Russellcroft Road Welwyn Garden City.

4 Estate Management History

- 4.1 None

5 Policy

- 5.1 Estate Management Scheme Policies (October 2008):

EM3 – Works to tree and hedgerows

6 Representations Received

6.1 No representations have been received.

7 Discussion

7.1 This is an appeal against the refusal of Estate Management Consent. The appellant has outlined any grounds of appeal within a letter dated 31 July 2016 the letter is attached at Appendix 1. The original delegated report is attached at Appendix 2.

7.2 The appellant has raised several issues within the letter which are outlined below:

- Act of God/storm damage – this tree is large specimen and should it fall it could cause significant damage to people or property
- Falling branches – Scots pine can shed limbs, particularly the lower branches which can be shaded by growth higher up. The neighbours have submitted letters stating that branches from this tree have fallen into their gardens.
- Loss of light and moisture – due the size of the tree the residents and neighbours report loss of light and moisture from their gardens. There are concerns that as the tree further matures these issues will be exacerbated
- Property movement/cracking – there is some concern that the tree is causing damage to the property.
- The tree has limited amenity – it is argued that the tree is not easily seen from the surrounding area and in fact that the trees is having a negative impact on the amenity value for the resident and their neighbours.

7.3 Policy EM3 states “*Works to trees and hedgerows will only be allowed where the works would not result in the loss of landscaping which would harm the character and amenities of the area and where sufficient justification for the works has been given or there are other considerations that apply.*”

7.4 The Council acknowledges that there is a need to prevent the erosion of the landscape within the town and believes the retention of frontages, hedgerows and trees are critical to preserve the town’s unique character and amenities

7.5 The following considers the point raised by the appellant with regard to Policy EM3:

- Act of God/Storm - When assessing the safety of a tree, consideration is given to the likelihood of the tree failing and causing damage. There is always an element of risk and there can be no guarantee that it will not fail in high winds as they are natural objects. The risk of failure increases if the tree is in decline and/or has a structural weakness or if site conditions change dramatically. A report on the tree was supplied with the appeal letter (carried out by Graham Robson Gardens). The report concludes that the tree is in good health and condition. It is

agreed that the tree is in good health and condition and therefore at a low risk of failure.

- Falling branches – Scots pine can lose lower branches as they become shaded out. Generally the branches die back gradually and can be removed before they become an issue. As noted above there is no reason to believe that there is any structural issues to indicate that this tree is susceptible to branch failure.
- Loss of light and moisture – A tree of this size will of cause shading and take up moisture from a garden. This species of tree has a high canopy and although it will affect light to the properties as the sun drops in the sky light can often filter through underneath the canopy. The loss of light and moisture is a common issue within the Garden City as there are many large mature trees close to properties and gardens and has to be accepted as part of living in a well treed area.
- Property movement/cracking – damage to properties by trees is a complicated issue and depends on a number of factors including soil type, construction/foundation type and tree species. It is recommended that if the resident has concerns that they contact their building's insurer who will be able carry out the appropriate investigations to ascertain the cause of damage.
- The lack of amenity value. The appellant has considered the amenity value as views of the entire tree. However this tree contributes to the character of the landscape in this area as part of the treescape seen from rear gardens and public footpaths and roads. It is considered that the tree does have public amenity even if only partially seen from some view points as it forms part of the green infrastructure of the area.

8 Conclusion

- 8.1 It is considered that the tree in question is in good health and condition and there is no reason to believe that it would be prone to failure. The tree does contribute to the character of the landscape in this area as seen from the surrounding area. The proposed removal of the tree would fail to comply with the requirements of Policy EM3 (Works to trees and hedges) of the Welwyn Garden City Estate Management Scheme.

9 Recommendation

- 9.1 That Members uphold the delegated decision to refuse Estate Management Consent and dismiss the appeal.

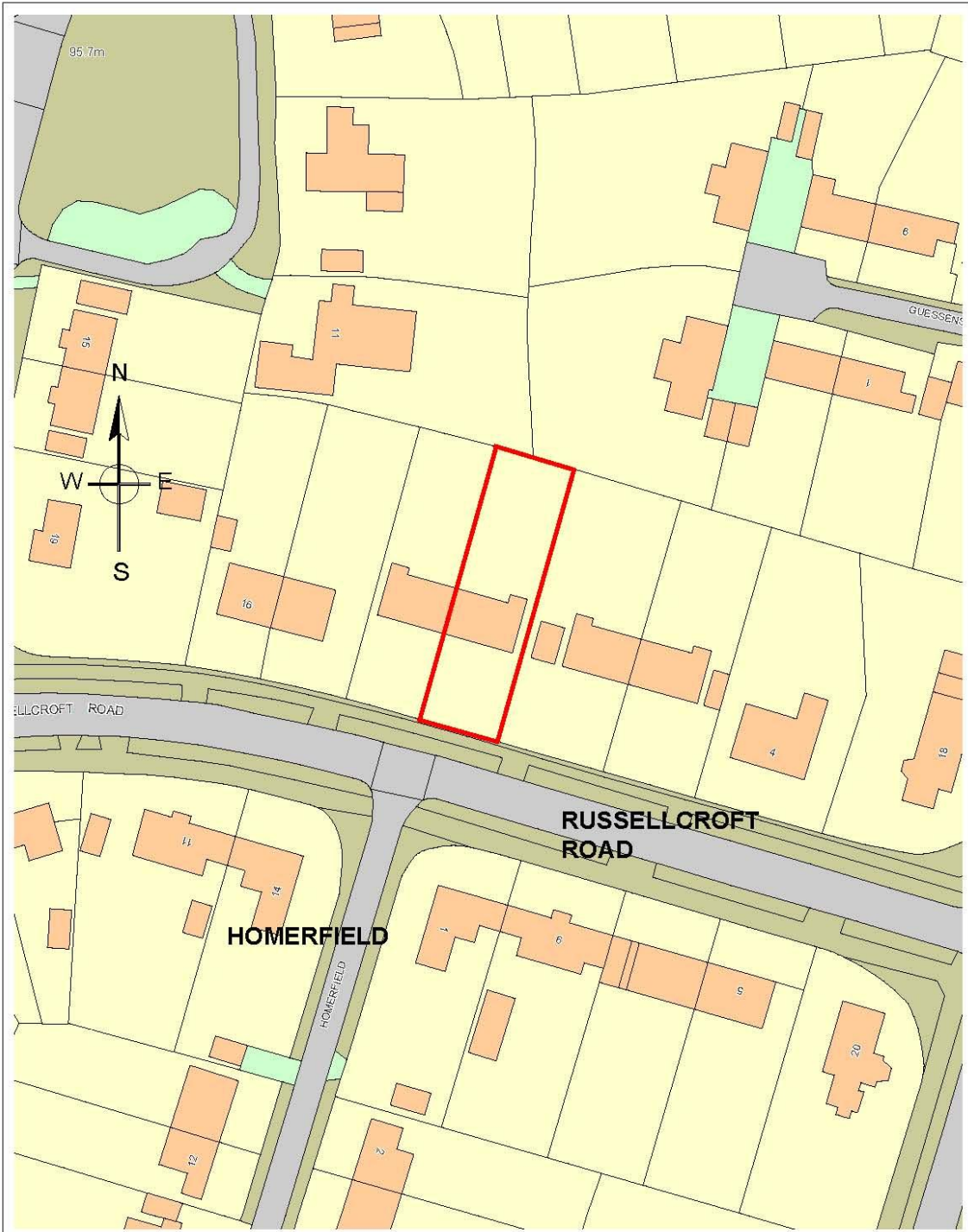
Oliver Waring, (Landscape and Ecology)


Date: 15th September 2016

Background papers:

Appendix 1: Appellants grounds of appeal

Appendix 2: Original delegated report



 WELWYN HATFIELD Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE	Title: 10 Russellcroft Road, WGC		Scale: DNS
	Project: EMAP		Date: 2016
		Drawing Number: 6/2016/0956/EM	Drawn: Baras Mast-Ingle
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