
Site Address:	1 Dorrita Avenue, Waterlooville, PO8 8HU		
Proposal:	1 No. English Oak (T1) - Fell. Subject to TPO 1202		
Application Type:	Works to TPO Tree		
Application No:	APP/24/00095	Expiry Date:	15/04/2024
Applicant:	Miss Terry-Harris 360Globalnet		
Agent:		Case Officer:	Tree Officer
Ward:	Cowplain		

Recommendation: **GRANT TPO CONSENT**

1 Site Description

1 Dorrita Avenue, Waterlooville, PO8 8HU

2 Planning History

APP/16/00912 - Single storey side and rear extension and loft conversion with front and rear dormers and front porch., PERM,10/11/2016

APP/20/00156 - Demolition of existing porch and relocation of front door, alterations to fenestration, loft conversion to include front and rear dormers, hip to gable extension and front rooflight., PERM,09/04/2020

GEN/21/00569 - Proposed alteration to existing rear extension., ,01/06/2021 12:34:20

APP/21/00604 - Prior notification for single storey development extending 3.70 metres beyond the rear wall of the original dwelling, incorporating a maximum height of 3.40 metres and an eaves height of 3.40 metres., UNK,

APP/21/00776 - Proposed single storey rear extension., PERM,02/09/2021

APP/22/00907 - 1 Oak tree. Would like tree pruned due to continuous growth closer to house and garage., UNK,

3 Proposal

1 No. English Oak (T1) - Fell. Subject to TPO 1202

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Andrew Briggs

Councillor D Keast - Cowplain

Councillor Neil Bowdell - Cowplain

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 13

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 8

Comment	Officer Comment
APP/24/00095 - 1 Dorrita Avenue We would like to register our objection to this Planning Application to fell the oak tree T1. This objection also applies to Planning Application (APP/24/00097) to fell a further two oak trees T6 and T7 - the objections below will also be lodged against this second application. [redacted] [redacted] In the Application, it is highlighted there being significant building at the rear of the applicant's property - but no mention it is a double garage belonging to the applicant. The question being, has this been inspected for movement, considering it is closer in proximity to the oak tree T1 - than the conservatory?	The comments received are welcomed and considered within the planning considerations. Unfortunately, the 'probability' threshold is the only one that needs to be met so to refuse the removal of the tree would expose the local authority to future claims. The level of evidence that has been agreed as reasonable is laid out in the Joint Mitigation Protocol, and in this instance, it has been provided.

With regards to the second Application, Planning Application (APP/24/00097) relating to the felling of two further oak trees T6 and T7. We have two observations.

Firstly, the report makes no mention of active below ground vegetation from these affecting the affected conservatory structure on the west side. The question being, so why is it felt these two healthy oaks also require felling?

Secondly, 4 Ivydene Gardens some years ago had work performed and a garage built on their property located at the top of our cul-de-sac and in very close proximity to the two healthy oak trees. At the time they were required to "pile" the foundations to ensure a stable structure. The question being considering the close proximity of this garage to the trees, has this been inspected for any issues caused by the trees?

To summarize, in a world where we are well versed in the benefit of trees for our planet and mental wellbeing not to mention reducing our carbon footprint; where we are encouraged - by Royalty - to plant a tree. Within this small cul-de-sac of four houses, if these planning applications are approved, we will have witnessed the felling of five healthy mighty oak trees in the last 6 years . All of which were here well before these houses in Ivydene Gardens were constructed.

In our opinion it feels like the applicants insurers are financially pressurising the council to take action, otherwise a ludicrous cost will be incurred for a rebuild. That should be challenged.

Felling these healthy trees is high and unacceptable price to pay for a poorly constructed conservatory over 20 years ago. Please bear in mind, these trees cannot simply be replaced if it is found later, the fault lies elsewhere.

The Queen's Green Canopy The Royal Family 6 Ways Trees Benefit People The Nature Conservancy 5 reasons we need trees for a healthy planet - Earth Day	
I object to the request in the Planning Application to fell the oak tree. Having examined all of the documentation it is not conclusive that the tree is the cause of the damage to the conservatory. There are several factors which may have caused or contributed to the damage which have not been taken into account by the Applicant and should be carefully considered. I request that the application for the proposed felling works is refused. My conclusion is based in my technical review below. Please note there is another Planning Application (APP/24/00097) citing two trees which are causing to damage the same third party property (1 Ivydene Gardens) Planning Application Form - the Applicant (360Globalnet) is not the property owner nor are they acting as the Agent for the property owner - Description of Works; it is stated that the oak tree T1 is causing damage to the neighbouring property but the subsequent expert advice is that is concluded 'only on the balance of probabilities' - the estimated costs to repair a conservatory at £60k seem high - the £3k to undertake superstructure repairs ignores/dismisses the £4.6k cost to replace the soakaway which is not positioned in accordance with Building Regulations and may be a factor in affecting the ground conditions - a replacement tree is not proposed and there are no reasons stated for not wanting to replant	The comments received are welcomed and considered within the planning considerations. Unfortunately, the 'probability' threshold is the only one that needs to be met so to refuse the removal of the tree would expose the local authority to future claims. The level of evidence that has been agreed as reasonable is laid out in the Joint Mitigation Protocol, and in this instance, it has been provided

Drainage Survey Report

- no visible defects were shown to the foul or storm drain runs. It would not be unreasonable to expect some deviation in the levels of the drain pipes if there was ground movement which had given rise to the damage to the conservatory
- root growth at 0.4M - 2.00M is less than 6mm diameter. Live roots only found in TP/BH1
- the foundations to the house are 400mm below ground level and 1300mm thick
- the foundations to the conservatory are only 100mm below ground level and 300mm thick. Given that it is well known that the ground bearing strata in the Waterloo area is clay and the close proximity of T1 the foundations should have been at a greater depth
- 'the current soakaway is located very close to the house at 2.0m downstream. Current Building Regulations require soakaways to be sited no closer than 5.0m to buildings. It is recommended that a new soakaway is installed, that complies with Building Regulations, to return the system to a watertight condition'

Engineers Report

- it is stated that the conservatory was built in approximately 1999. With reference to planning applications it was built in 1995 and extended across the full width of the house in 1998. If proper consideration wasn't given to the bonding into the existing foundations, floor slab and brickwork of the existing conservatory then there are potential risks of differential settlement which could cause movement within the structure
- the only defect noted is that the single brick skin dwarf conservatory wall (approx. 700mm high) has moved away from the main property. It is not clear if the £3k stated is the cost of remedying this defect

- the pictures show that the dwarf wall is not bonded into the main property or secured by proprietary wall ties/metal 'Furfix' wall extension profiles as is good building practice
- the Engineer only deems T1 to be a potential external influence
- the large tree to the rear of the property is an oak not a beech
- re the statement 'damage to the conservatory results from subsidence of the site upon which the property stands'; there is no reported damage to the house
- the large outbuilding noted as being to the rear of the site is a double garage. There are no reports of subsidence damage to this structure despite it being closer to T1 than the conservatory

Arboricultural Report

- 3.1.1; 'soil moisture deficit can lead to soil shrinkage which in turn can cause a building to move, particularly if its foundations are shallow'. See 3.2 below
- 3.2; trial pit/boreholes revealed house foundations 1300mm thick at a maximum depth of 1700mm
- 3.2; trial pit/boreholes revealed conservatory foundations 300mm thick at a maximum depth of 400mm
- 6.1; 'We have been informed by our client that the damage observed at the property is due to clay shrinkage caused by vegetation'. The client (360Globalnet) have seen fit to predetermine the cause of the subsidence before any consultants were instructed and appears to have dismissed any other factors which could be associated with the cause of subsidence i.e. position of soakaway, inadequate depth of foundations, inadequate bonding of dwarf wall to the main property, inadequate connection of the floor slab and brickwork when the conservatory was extended

Summary 360Globalnet (who are acting for the insurer) have seen fit to predetermine the cause of the subsidence as being due to clay shrinkage caused by vegetation, namely oak tree T1, before any consultants were instructed. The subsequent expert advice is only that this may be case on the balance of probabilities. In addition they have ignored any other factors which could be associated with the cause of subsidence, namely: - the existing soakaway is sited too close to the building which could have an adverse effect on the ground conditions - the foundations to the conservatory are extremely shallow at a depth of 400mm (house foundations 1700mm) - conservatory brick dwarf wall not bonded in or physically attached to the house - the foundations/floor slab/dwarf wall may not be properly attached to the those of the existing conservatory when it was extended which could lead to differential settlement - there is no subsidence damage noted to the house or garage which would indicate the problem is with the construction of the conservatory	
[redacted] I object to the proposed felling of the tree T1. The oak tree is a magnificent example in good condition and, together with other trees in the neighbouring properties, offers a significant amenity value in the area together with providing a considerable natural habitat to wildlife. The technical reasons for my objections are covered in a separate submission. The Applicant is not acting as the Agent for the owner. It is disappointing that a copy of the Planning Application has not been displayed outside of the property which I thought was standard practice.	The comments received are welcomed and considered within the planning considerations. Unfortunately, the 'probability' threshold is the only one that needs to be met so to refuse the removal of the tree would expose the local authority to future claims. The level of evidence that has been agreed as reasonable is laid out in the Joint Mitigation Protocol, and in this instance, it has been provided

Without this public notice I'm sure that there will be even more displeasure if permission is given to fell the tree.	
[redacted] I object to the proposed felling of trees T6 & T7 in their rear garden. I would ask you to note that there were originally 6 trees covered by TPO's in the rear garden of the property. Sadly 2 of these were felled in 2017 due to their growth being suppressed by the other 4 trees. The remaining 4 trees add considerable amenity value to Ivydene Gardens and Dorrita Avenue. They form part of a general group of trees in the rear gardens of the adjacent properties of 10B Longwood Avenue and 1A Dorrita Avenue, which are also covered by TPO's. They offer a useful visual amenity in the area as well as proving a significant natural habitat to wildlife such as nesting birds, woodpecker's, squirrel's, etc. The technical reasons for my objections are covered in a separate submission notably the 'Influencing Distance' shown in the Appendix 2 of the Arboricultural Report, the consultant engineer noting the movement of the conservatory floor is not towards/away the trees and that he has not asked for these trees to be felled as being contributory to the subsidence of the conservatory at 1 Ivydene Gardens. The Applicant is not acting as the Agent for the owner. The address given in the Planning Application is 10B Longwood Avenue, it should be 10A. It is disappointing that a copy of which has not been displayed outside of the property which I thought was standard practice. Without this public notice I'm sure that there will be even more displeasure if permission is given to fell the trees.	The comments received are welcomed and considered within the planning considerations. Unfortunately, the 'probability' threshold is the only one that needs to be met so to refuse the removal of the tree would expose the local authority to future claims. The level of evidence that has been agreed as reasonable is laid out in the Joint Mitigation Protocol, and in this instance, it has been provided

Proposal should be rejected: Houses in the area, extensions, conservatories and garages, having been built to work in the environment with the problem of the property, unsuitable of the conservatory, according to the application received, this has not taken place. The conservatory company is responsible for its construction - particularly its foundation insurance company: The kind of material or polymer is not within the terms. The road is the benefit of the apparently dead that and provides great benefit to the local area. The need for worth of their Under Preservation 202(e) Orders and should continue and deliver their contribution to the benefits as the clay soil and unsuitable construction of the conservatory is not the only cause of clay shrinkage No clay soil shrinkage and to interact with ground water (from rain) and (the of ground water) (England's Regulations 2012) and Regulation 24, paragraph 2 (1) (except): (2) No shade should be provided under drying regulation-(a) if more than 12 trees provide mitigation on the date of the authority's decision - Potential heave risk if tree is removed - At 202 garage of 1253 are over 20 years old to be affected - High water table in area - grass often waterlogged:- reducing water uptake by trees may lead to increased flooding The details in the reports show that the conservatory's foundations are shallow. The report recommends that foundations in a high plasticity soil and tree area should be 2.5m deep. The report clearly shows that this is not the case of the house. An appropriate solution for the conservatory could be to rebuild with more suitable foundations, or possibly underpinning with geo-polymers as trees infection. The substantial loss of environmental, biodiversity and amenity benefits, is therefore an excessive and unjustified way to approach a problem of conservatory subsidence, especially when the trees were established many years before the houses or conservatory were built.	The comments received are welcomed and considered within the planning considerations. Unfortunately, the 'probability' threshold is the only one that needs to be met so to refuse the removal of the tree would expose the local authority to future claims. The level of evidence that has been agreed as reasonable is laid out in the Joint Mitigation Protocol, and in this instance, it has been provided
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Proposal Reports Summaries:

The opinion of the reports is that the clay ground shrinks and expands. It is probable that shrinkage and expansion along with shallower than recommended foundations resulted in the conservatory shifting.

The opinions of the reports are that tree T1 contributes to shrinkage by taking up water in summer. Of the reports, only the Arboricultural report implies that the other trees (T6 and T7) have an impact but this is not supported by any roots evidence in borehole 2 which is nearer T6 and T7, therefore there is no evidence that the oaks in 10A are connected to this area or are responsible for water use / subsidence. Other buildings with adequate foundations in the area of T6 and T7 are not affected.

Trimming would presumably have reduced the possible impact of T1.

Soil:

British Geological Survey:

Fine-grained, clay-rich soils can absorb large quantities of water after rainfall, becoming sticky and heavy.

Conversely, they can also become very hard when dry, resulting in shrinking and cracking of the ground. This hardening and softening is known as 'shrink-swell' behaviour.

CCTV Survey Report

- No damage to drains
- Soakaway to right side of conservatory should be further from the building (2m away - regulations say 5m)
- Foundations - Conservatory:
 - concrete foundation 300mm thick
 - max depth of foundation below ground: 400mm

Monitoring Plus report

- Cracks which get larger in summer (dry season) and reduce in winter (wet season)

Roots Report: - On the left side of the conservatory no live oak roots were found. Arboricultural Report - Is based on 'visual inspection only' - Only considers trees and no other factors that might dry out clay - or make it wetter (e.g. rainfall, dry weather) - There is no evidence of live oak tree roots in Borehole 1 therefore no evidence of trees to that side being involved (T6 and T7) - T1 has not been maintained	
The English Oak [redacted], and is a lovely beautiful example, which if cut down would be a hypocritical travesty considering the state of the world we are living-in. The tree is healthy and should be left alone. It would do more harm than good by cutting down this lovely mature tree. Thank you.	The comments received are welcomed and considered within the planning considerations. Unfortunately, the 'probability' threshold is the only one that needs to be met so to refuse the removal of the tree would expose the local authority to future claims. The level of evidence that has been agreed as reasonable is laid out in the Joint Mitigation Protocol, and in this instance, it has been provided
This tree preservation order is in place to help protect the local environment, in addition these trees aide the garden drainage for properties in the vicinity. To cut down these trees because of an insurance claim for a cheap conservatory extension seems to be the wrong solution for a problem that has nothing to do with the trees.	The comments received are welcomed and considered within the planning considerations. Unfortunately, the 'probability' threshold is the only one that needs to be met so to refuse the removal of the tree would expose the local authority to future claims. The level of evidence that has been agreed as reasonable is laid out in the Joint Mitigation Protocol, and in this instance, it has been provided
These trees at risk because of a conservatory extension border [redacted] host 14 oak trees and are protective of them all for good reason. The removal of these trees will cause a swamp land in the local residents' gardens and be a loss to the environment - shouldn't we be focusing on how best to protect the environment, rather than cause more destruction?	The comments received are welcomed and considered within the planning considerations. Unfortunately, the 'probability' threshold is the only one that needs to be met so to refuse the removal of the tree would expose the local authority to future claims. The level of evidence that has been agreed as reasonable is laid out in the Joint Mitigation Protocol, and in this instance, it has been provided

[redacted] Surely for many reasons, we should not be threatened with these valuable losses to the environment, particularly when the damage suffered by a nearby conservatory could be caused by inadequate foundations. I would like to add that my similar conservatory has been unaffected by any subsidence. Loss of trees must be avoided if at all possible - wide effects could be felt with loss of wildlife, increased flooding and general deterioration of conditions. [redacted]	The comments received are welcomed and considered within the planning considerations. Unfortunately, the 'probability' threshold is the only one that needs to be met so to refuse the removal of the tree would expose the local authority to future claims. The level of evidence that has been agreed as reasonable is laid out in the Joint Mitigation Protocol, and in this instance, it has been provided
[redacted]. I am appalled to learn that 3 of the the mature oaks which are a feature of the area are at risk. These trees are an important part of the ecosystem and the main reasons why there is so much wildlife in the area. At this time with the threat of climate change being so real I cannot see there is any justification for cutting any trees down.[redacted] These trees have TPOs on them so there is no justification at all for them to be cut down. Shame on you HBC if you allow this!	The comments received are welcomed and considered within the planning considerations. Unfortunately, the 'probability' threshold is the only one that needs to be met so to refuse the removal of the tree would expose the local authority to future claims. The level of evidence that has been agreed as reasonable is laid out in the Joint Mitigation Protocol, and in this instance, it has been provided
[redacted] Taking down these mature oak trees would have disastrous consequences for the surrounding land and environment -- removing them would cause the land to swamp and flood, and cause issues for the surrounding properties and wildlife. [redacted] This is not the right solution and should not go ahead. We should be protecting, not making worse, the environment, so the potential destruction of this important wildlife must be challenged.	The comments received are welcomed and considered within the planning considerations. Unfortunately, the 'probability' threshold is the only one that needs to be met so to refuse the removal of the tree would expose the local authority to future claims. The level of evidence that has been agreed as reasonable is laid out in the Joint Mitigation Protocol, and in this instance, it has been provided

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- Whether the degree of works is reasonable given the potential liability for the council associated with a damage claim
- Whether the supporting evidence is sufficiently robust to warrant the removal of a healthy tree without further investigation

7.2 The report relates specifically to assessing the proposed works rather than generally inspecting the tree's health and condition in any great detail.

7.3 The application tree is highly visible from the public realm of Dorrita Avenue. It is a good form tree, previously reduced and showing good vitality. Its protection is warranted.

7.4 The reasons for the application to remove the tree is due to damage to a neighbouring property at 1, Ivydene Gardens as evidenced by supplied reports.

7.5 When submitting an application for works to a protected tree the applicant or agent should submit appropriate evidence describing any structural damage to the property or issues in relation to tree health and safety.

7.6 The government guidance note (available to view at [Tree Preservation Orders and trees in conservation areas - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612222/tree_preservation_orders_and_trees_in_conservation_areas.pdf)) recommends that issues of subsidence will include a report by a structural engineer and /or a chartered surveyor and be supported by technical analysis from other experts e.g. root and soil analysis.

7.7 The evidence provided includes the presence of shrinkable clay soils, live oak tree roots and seasonal movement. This is substantive enough to evidence the high probability of tree related indirect damage to the property. It is undoubtedly exacerbated by the changing climate and hot dry summers.

7.8 It is noted from the photographs that the conservatory structure does not appear to be tied back to the main wall of the house, so there maybe continued movement as a result of climate change delivering hotter, drier summers. It is not possible to deduce this from the evidence submitted, other than 2022 was a very dry year.

7.9 To refuse the removal of the tree would potentially expose the council to future claims, the value of which can be very high in subsidence - related cases. For this reason, I feel there is little option but to allow its removal.

8 Conclusion

It is recommended that the works to the trees should be consented.

9 RECOMMENDATION:

That the Executive Head of Place be authorised to **GRANT TPO CONSENT** for application APP/24/00095 subject to the following conditions

- 1 In the first planting season following the date of felling 1 replacement tree is planted. The tree should be a minimum of 1.5 metres tall at the time of planting (nursery stock 10/12 size) and should be planted in line with BS8545:2014. It should be planted at or near the site of the existing tree where the amenity will be of high public benefit.

The tree should be selected from LOW WATER demand species as defined by the NHBC standards at paragraph 4.2.4 which includes the following species:

1. Birch - *Betula pendula*
2. Magnolia – many cultivars
2. Mulberry - *Morus nigra* - good for wildlife, don't plant over hard surfacing because of fruit
3. Tulip tree – *Liriodendron tulipifera*

or such other size, species, location or period of time as may be agreed in writing with the Council.

It is recommended that these trees are planted to the frontage of the applicant address to

If within a period of three years any tree planted as a replacement is cut down, felled, uprooted, removed, or die, or becomes in the opinion of the Council seriously damaged or defective:

- a) the Council shall be notified as soon as is reasonably practicable; and
- b) another tree of the same species and size shall be planted in the same location at a time agreed in writing with the Council unless the Council agrees to dispense with or vary the requirement.

Reason: To conserve and safeguard the visual amenities of the locality.

- 2 The tree felling for which consent is hereby granted and the replacement planting specified in condition Jo6 above shall be completed no later than March 2025 or the first planting season after felling if this is later.

Reason: To conserve and safeguard the visual amenities of the locality.

- 3 The tree works for which consent is hereby granted shall be carried out and completed no later than one year from the date of this decision notice.

Reason: To control the timing of the works.