

Trees Supporting Statement

The key points for refusal in this case are the relationship between the existing trees and the proposal. Due to the proximity of the canopy line to the proposed development (2m on the submitted drawings) the northern side of the crowns will cover most of the recreational space in the to the south of the proposal.

The photo below shows the most recent google aerial image of the site with the entire garden and most of the living area in shade. Daylight will clearly be limited until the sun moves round to the West in the evening and this is in the height of summer.



Horse chestnut has a dense crown habit when in full leaf and horse chestnut leaf miner is endemic in the Borough with infestations of moths which will build throughout the summer months, most likely acting to irritate new occupants both in the garden and in the house when windows are open in hot weather. Falling chestnuts in autumn will also be an unwelcome characteristic for residents who will want to use the shared garden space. The impact of these issues will be exacerbated by the fact that these buildings are to be maisonettes and as such will not have private gardens, meaning that the communal garden will be of greater value to the occupants who will most likely object to densely shaded homes and outside space.

It should also be noted that Common horse chestnut is vulnerable to more recent changes to the environment and officer observations are that the species often goes into a state of physiological decline after excessive pruning, such trees have been noted to succumb to bleeding canker of horse chestnut or simply die during periods of drought and temperature extremes (this has been noted during the periods during and following the summer of 2022).. It is anticipated that there will be an

undue pressure to prune the trees once the building is occupied which could have a detrimental impact on the trees, introducing an unreasonable risk of these preserved specimens entering a state of decline. Even if the trees did not enter a state of decline, impact upon shade, leaf litter, conker drop and leaf minor presence would be negligible. This in turn would lead to an undue pressure to fell the trees.

This is an indirect impact of the development on trees. Whilst the trees are protected by TPO if the council permits a relationship between the trees and the development which is unreasonable it may be difficult to use the TPO to prevent harmful works when the objective of the works is to create a reasonable relationship between the development and the trees. If refused works were subject to an appeal, they may be successful on grounds of an unreasonable relationship between the trees and the development.

LP16 states 'the Council will require that site design or layout ensures a harmonious relationship between trees and their surroundings and will resist development which will be likely to result in pressure to significantly prune or remove trees;'

We do accept that there is a degree of subjectivity to whether the trees will be perceived as problematic. However, we cannot control over who takes occupation of the building and if they find the trees to be problematic the relationship needs to be defensible. Furthermore, it is our common experience as an Authority that has responsibility for the management of trees in highways, parks and open spaces that invariably a relationship such as this would be perceived as problematic. Typical complaints include lack of light in living spaces, lack of usable garden space, lack of usable growing space below the trees.

In response to the appellant's comments:

The observation that there may be indirect impact to the trees due to the size of the site was made by the project arboriculturist in the submitted document: BS 5837:2012 Tree Survey & Arboricultural Impact Assessment Date 28th August 2023: section 5.5.4 states "5.5.4 The proposed site plan with tree constraints shows that the proposal will not have a direct impact on the tree crowns or root protection area of the retained trees. The potential indirect impact from construction space is anticipated from experience." However, as stated in previous comments there is no further discussion of the indirect impacts in the report. The appellant is therefore refuting the findings of the applications report submission.

LP16 does not specifically encourage the planting of 'shade trees' as stated by the appellant. It states that 'Trees and other landscape features can help areas to adapt to the likely effects of climate change; for example, they have a cooling effect and contribute to the reduction of urban heat islands by regulating local temperature extremes, which is important due to projected future increases in temperature as a result of climate change.'

The urban heat island effect is caused by the reflection of sunlight off roads, pavements and building and by the absorption of sunlight throughout the day. Trees absorb the light directly from the sun and indirectly through reflected light from roads and buildings which reduces the amount of radiation building up. Whilst a tree may directly shade certain areas at throughout the day, the reduction of the heat island effect requires multiple trees breaking up the reflected light and indirectly reducing the street temperature. It is not wholly achieved by the localised areas of direct shade caused by trees.

LP16 also states '5.5.4 It is important that species are chosen that are appropriate to the scale of their surroundings'. If this proposal is implemented these trees would not be appropriate to the scale of the surroundings and would dominate the new build and the recreational space which would cause complaints of excess shading with very little light available in the rear garden.

The statement that all south facing rooms except for one bedroom have a dual aspect does not appear to correlate with the plans. Nevertheless, this is insufficient to address the fundamental issue which is the relationship between the trees and the building.

The large windows may create the effect that the appeal describes, however this is subjective, and our experience is described in the officer notes for refusal:

'The design includes a lot of glass on the southern frontage which is only likely to further emphasise negative perceptions of the trees by occupants. It is the experience of the council that while some residents view trees positively, other do not and there is no way to control which will take occupation.'

The reports reference to the canopies extending beyond the building line is for number 34 and not the proposal. The comments go on to say: 'The proposed building line is two meters back, indicating that there may be direct conflict and drawing 19.001_P6 Plan View correlates with this. Vegetation on site prohibits access and accurate measurement of the northern spread of the trees. Measuring in parallel the branches were estimated at between 7 and 8 meters which correlates well with the report. The canopy of tree T03 projected further and was estimated at 9 meters.'

As you can see in the photo at the top of the page, the shading from these trees will dominate the communal space and the building which is only slightly set back from number 34 on the right of the picture. This relationship would be unsustainable for residents, which would likely result in sustained and undue pressure for the pruning with a risk of causing the specimens to decline or indeed removal of these important trees.