

Application Number: BH2011/00144 **Ward:** Stanford
Address: 71 Dyke Road Avenue
Proposal: To fell 1 x Cedrus atlantica (Atlas Cedar)
covered by Tree Preservation Order (No 3) 1993
Officer: Di Morgan, tel. 01273 292929
Date Received: 18 January 2011
Applicant: Connick Tree Care

1 Introduction

1.1 The purpose of the report is to consider the above application.

2 Recommendation

2.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 7 of this report and resolves to grant consent subject to the following conditions:

- The felling shall be carried out within two years under the supervision and to the satisfaction of the Local Planning Authority.
- The said existing tree shall be replaced by a tree of a size and species and in a position to be agreed by the Local Planning Authority.
- The replacement tree shall be planted during the period November to March next, following the felling of the existing tree, and such planting shall be in all respects to the satisfaction of the Local Planning Authority.
- If, within a period of two years from the date of the planting, the tree (or any other tree planted in replacement for it) is removed, uprooted or destroyed or dies, another tree of the same size and species shall be planted at the same place, or in accordance with any variation for which the Local Planning Authority gives its written consent.

3 Description of the Application Site

- 3.1 The mature tree the subject of this application is situated in the front garden of 71 Dyke Road Avenue. It is approximately 8 – 9 metres from the four bedroomed detached house built around 1927.

4 Proposal

- 4.1 The applicant wishes to fell this tree as an engineering report from Cunningham Lindsey on behalf of Zurich UKPL proves beyond reasonable doubt that the Cedar tree is causing subsidence and continued damage to the house.
- 4.2 The above-mentioned report confirms that roots from the Cedar will continue to cause drying shrinkage of the clay soil on a cyclical basis. The property is founded on Lambeth Group (silty, sandy) Clay overlying Tarrant Chalk.
- 4.3 The front elevation rooms, namely the hall, lounge, front stairwell and landing, have cracking to walls and ceilings. The mechanism of movement indicates that the front elevation foundations have rotated slightly downwards, causing pulling stresses within the property.
- 4.4 Given the proximity of the tree and the presence of clay subsoil, the movement will be of a cyclical nature with cracks opening in the summer and closing in winter, causing further progressive cracking if the tree remains in place.
- 4.5 If the tree is not removed, the insurers may consider withdrawing future subsidence cover until such measures are taken.

5 Considerations

- 5.1 The tree the subject of this application is a fine specimen, approximately 14 - 16 metres high with a crown spread of 8 - 10 metres.
- 5.2 A reduction in the size of the tree will not reduce the future risk.
- 5.6 It is highly visible from the public footpath and road.

6 Relevant Planning History

- 6.1 None.

7 Conclusion

- 7.1 This tree is situated in a built-up area and is highly visible from the road and pavement. It has high public amenity value.
- 7.2 The report from Cunningham Lindsey Subsidence Services proves beyond reasonable doubt that the Cedar tree is abstracting moisture from the clay soil and thus causing the subsidence and damage to the property.
- 7.3 The insurers have stated that they may consider withdrawing future subsidence cover on this family home until the tree is felled.
- 7.4 It is felt that permission to fell this tree should be given at this time and a suitable replacement be planted within the grounds of 71 Dyke Road Avenue.

BH2011/00144: 71 Dyke Road Avenue



The tree the subject of this application.




Illustrating proximity of tree to property.

BH2011/00144: 71 DYKE ROAD AVENUE.



© Crown Copyright. All rights reserved. Licence: 100020999, Brighton & Hove City Council, 2010. © Cities Revealed. 1: 1250




Gillian Marston
Head of City Infrastructure

