

DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION NO: DC/26/0365: Land East of 1 Willow Drive Billingshurst

REPRESENTATION AND CONSULTATION RESPONSES:

No formal representations have been received in respect of this application.

ASSESSMENT:

1. The trees the subject of this application are two mature oak trees, identified as T2 and T3 on the supporting site plan. The trees are situated on land owned by Billingshurst Parish Council adjacent to the residential property at 8 St Gabriels Road, Billingshurst. Both trees are protected by Tree Preservation Order TPO 0013 Confirmed 08/01/69, the application refers to two oaks within G1 of the Order.

2. The trees in question are both mature specimens, that appear to be in good overall physiological condition. By virtue of their species, age, size, presence and prominence, the trees make a significant contribution to the character and visual amenity value of the local area. Whereby, due to their canopy scale and relationship with surrounding residential development, the trees are visible from multiple public viewpoints and contribute positively to the wider streetscape.

3. Notwithstanding the trees high amenity value, they have a well-documented planning history in relation to subsidence damage affecting the adjacent dwelling to the north. Investigations have confirmed the presence of oak roots beneath and adjacent to the building's foundations, together with damage patterns characteristic of vegetation-induced clay shrinkage (subsidence). The property lies on clay soils of medium to high shrinkage potential and well within the trees' Zone of Influence, with oak being classed as a species of high-water demand under NHBC guidance.

4. Based on the previously submitted technical evidence and by applying the established legal test confirmed in *Wright v Aviva v Horsham District Council* (2011), it has previously been accepted by the Council that, on the balance of probabilities, the trees are a contributory factor in the structural damage identified at the adjacent property. This position has already led to the granting of consent for felling of both trees, although the consent issued under application's DC/23/2306 & DC/24/1649, has not been implemented; the consent issued under DC/23/2306 has since lapsed while that issued under DC/24/164 has not and remains live.

5. The current application does not seek to revisit the issue of causation, nor does it seek removal of trees. Rather, it arises directly from the continued presence of the trees and the need to facilitate essential structural remediation to the property in circumstances where the approved felling has not taken place.

6. A range of alternative mitigation options have been explored. Traditional underpinning has not been considered to be technically feasible due to the depth and extent of roots beneath the structure. A root barrier solution has also been investigated but this has been discounted on practical and technical grounds, primarily on the basis of the depth and lateral extent required to instead the root barrier coupled with the unavoidable need to encroach across neighbouring land.

7. In the absence of viable alternatives, the only realistic means of stabilising the dwelling is by the installation of a piled raft foundation scheme, which necessitates the localised severance of tree roots beneath the existing foundations. The works are strictly confined to what is necessary to enable the piling and are limited to below-ground operations only. The estimated cost of the remedial works, currently circa £315,000, reflects the engineering complexity arising from the continued retention of the trees.

8. It is acknowledged that root severance constitutes an intervention within the rooting environment of the trees. However, due to the distance between the trees and the area where root severance is proposed, which lies on the periphery of the trees' Root Protection Areas (RPAs) as calculated using the BS 5837 methodology, together with the relatively small diameter of the roots that are likely to be encountered, the resultant impact is considered to fall within tolerable limits. Furthermore, these effects must be carefully weighed against the serious and ongoing harm to the dwelling and the absence of any reasonable alternative form of mitigation that would secure the retention of the trees and the amenity value that they afford to their setting in the long term.

9. It is also of material weight in this assessment that, were felling to be pursued at the present time, the resultant harm to public landscape and visual amenity would be substantially greater than that arising from the proposed root severance. The removal of two mature oak trees of this scale and prominence would result in a permanent and immediate loss to the character of the area, for which replacement planting could not provide meaningful mitigation for several decades. By contrast, the proposed below-ground root works are targeted, limited in extent, and expressly intended to facilitate the retention of both trees.

10. Taking all matters into account, including the high landscape value of the trees when viewed with the local landscape context, the substantiated subsidence impacts, the failure of less invasive mitigation options, and the restricted and engineering-led nature of the proposal, the application is considered to represent a necessary, proportionate and least-harmful solution. On balance, and in this instance, the works are considered to be justified and represent appropriate way of addressing the structural issues at the affected property with the trees in situ.

11. To ensure that the extent and position of the proposed root severance remain appropriate and proportionate, it is recommended that the location and distance of the works from the trees are secured by condition. It is noted that the applicant has agreed to the inclusion of a supervision condition, and the Council's Arboricultural Officer will attend during the works to observe their implementation and to advise as necessary, with the aim of safeguarding the ongoing health, stability and retention of the trees.

RECOMMENDATION:

Grant consent subject to the conditions below.

CONDITIONS TO BE APPLIED:

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| 1. TR2 | Time limit, 2 years |
| 2. TR3a | Treeworks limit (bespoke) |
| | The tree work to which this consent relates shall be limited to: |
| | The area where root severance is proposed to take place shall be located at a distance no greater than 1 metre from the southern flank wall and the rear conservatory at No. 8 St Gabriels Road. |
| | Reason: For the avoidance of doubt |
| 3. TR5 | <i>Supervision</i> |
| 4. TR4 | <i>Surgery standards</i> |
| TINF1 | <i>Note to applicant.</i> |
| TINF2 | <i>Wildlife protection.</i> |

DELEGATED

Authorising Officer sign.....ANBU.....**Arboricultural Officer (Strategic Planning).**

Date.....12 May 26...