

DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION NO: DC/26/0299: 14 Acorn Avenue, Cowfold.

REPRESENTATION AND CONSULTATION RESPONSES:

No representations have been received in respect of this application.

ASSESSMENT:

1. This application relates principally to a mature oak tree protected as part of Group G4 of Tree Preservation Order No. 0396, situated adjacent to a pond within an area of public open space. The oak is of fair to good form and condition and, together with the limited remaining trees of the original group, contributes significantly to the landscape character of the open space.

2. The tree is the dominant specimen within its immediate setting and is visible from within the open space itself, in views across the surrounding residential estate and intermittently as a skyline feature above rooftops. As such, it is considered to possess a good to high level of public amenity value by reason of its species, size, age and prominent location.

3. The application also includes crown reduction works to a second protected oak tree, identified as T010, located within Acorn Avenue. This tree similarly contributes to local amenity and is subject to the same Tree Preservation Order.

4. The oak tree adjacent to the pond has a documented planning history in relation to alleged subsidence damage at the neighbouring dwelling, 14 Acorn Avenue, Cowfold, immediately to the east. The tree is located at an approximate distance of 10 m from the affected part of the property, which lies on clay soils identified as having a medium to high shrinkage potential. Previous investigations have confirmed the presence of oak roots in close proximity to the foundations, together with structural cracking and monitoring data consistent with clay shrinkage subsidence. On the balance of probabilities, which is the appropriate evidential test established by case law, it is accepted that the oak tree is likely a contributory factor in the structural movement experienced at the adjacent property.

5. In this instance, it is material to note that earlier applications under the Tree Preservation Order sought consent to fell the oak tree on subsidence grounds. Those applications were approved by the Local Planning Authority but were not implemented. The current proposal therefore represents a revised and less severe approach, seeking to mitigate the subsidence risk while retaining trees of acknowledged and significant public amenity value.

6. The primary element of the current application is the installation of a below-ground root barrier between the oak tree and the affected dwelling, in accordance with the submitted Statement of Works from Optera Structural Solutions (SOW20498). The installation would require localised excavation and root severance sufficient to install the barrier to the specified depth and alignment. The technical information submitted demonstrates that the barrier is intended to intercept roots migrating towards the building foundations and to reduce seasonal soil moisture fluctuation beneath the structure. This form of intervention is an established and accepted method of managing tree-related clay shrinkage subsidence where removal of the or trees tree is undesirable.

7. In addition to the root barrier works, the application seeks consent to reduce the canopy of the oak tree adjacent to 14 Acorn Avenue by 3.5 m, and to reduce the canopy of the oak tree identified as T010 in Acorn Avenue by 3.5 m.

8. The proposed crown reduction works have been considered carefully in the context of the overall mitigation strategy. Given that the installation of the root barrier will result in the loss of part of the tree's rooting environment, reduction of the crown is considered appropriate in this instance. The works would reduce physiological demand on the affected tree, assist in rebalancing the canopy in relation to the reduced root plate, and lessen wind loading. Similarly, the proposed reduction to oak T010 is considered reasonable and proportionate, having regard to its relationship with the subsidence mitigation works and the wider management of trees affected by the claim. Subject to the works being undertaken to an appropriate arboricultural standard, the scale of crown reduction proposed is acceptable and does not raise an overriding amenity objection.

9. It is acknowledged that the installation of the root barrier will involve root severance and constitutes a degree of harm to the protected tree. Although the works proposed are considered to represent the best and most proportionate course of action to address the subsidence issue affecting the adjacent property while retaining the tree, there remains a recognised risk that the tree may experience physiological stress as a

consequence. There is also the potential for symptoms of decline to become apparent following the works, which may manifest within a period of approximately five years. This risk has been fully taken into account in the assessment. However, on balance, the proposal is considered preferable to the immediate and permanent loss of the tree through felling, particularly given its high public amenity value and location within public open space.

10. In reaching this conclusion, weight has also been given to the fact that consent for felling has previously been granted, and that the current proposal represents a materially less harmful alternative that aligns with the aims of the Tree Preservation Order. The Council is therefore satisfied that sufficient justification exists to support the proposed works.

RECOMMENDATION:

Grant consent subject to the conditions below.

CONDITIONS TO BE APPLIED:

- | | |
|--------|-----------------------------------|
| 1. TR2 | <i>Time limit, 2 years</i> |
| 2. TR3 | <i>Treeworks limit (standard)</i> |
| 3. 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.....17 Apr 26...