

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0759/91TP

TPO 3-1966 Box Lane, T.P.O. 17.

Raymond Fearon
10 Copper Beech Close
Hemel Hempstead
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

10 Copper Beech Close, Hemel Hempstead, Herts

APPLICATION TO PRUNE TREES

Your application for *works to a tree protected by a TPO* dated 03.06.1991 and received on 04.06.1991 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 17.06.1991

(ENC Reasons and Notes)

REASONS FOR REFUSAL
OF APPLICATION: 4/0759/91TP

Date of Decision: 17.06.1991



1. Tree numbers 1, 2 and 3 (Beech):

There is no apparent reason to carry out any reduction in height. Crown trimming and shortening back overlong lateral branches would be in keeping. If the proposed work was carried out there would be a significant chance that the trees would not recover.

2. Tree number 4 (Horse Chestnut):

Were this tree to be reduced by 30% the resultant regrowth would be more prone to high winds. It would also require pruning at a later date in order to achieve a natural shaped crown.

3. Tree number 5 (Lime):

The tree is fully mature and does not have a large spreading crown. It has instead a main stem with comparatively few major limbs. Reduction by 30% would prove very detrimental to its health and appearance.

LMV



Departments of the Environment and Transport

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DoP	T.C.P.M.	D.P.	D.C.	B.C.

Received **3 JUL 1992**

Comments

Mr R Fearon
10 Copper Beech Close
Hemel Hempstead
HERTS
HP3 ODG

Your reference

Our reference **E1/A1910/5/4/05**

Date

2 June 1992

Sir

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78(1)
APPEAL AGAINST REFUSAL OF CONSENT BY DACORUM BOROUGH COUNCIL
TO CROWN REDUCE THREE BEECH TREES, ONE HORSE CHESTNUT TREE AND ONE
LIME TREE AT 10 COPPER BEECH CLOSE, HEMEL HEMPSTEAD, HERTFORDSHIRE

1. I am directed by the Secretary of State for the Environment to refer to your appeal against the refusal of consent by Dacorum Borough Council to crown reduce 3 beech trees, 1 horse chestnut tree and 1 lime tree at 10 Copper Beech Close, Hemel Hempstead, Hertfordshire.

2. The Secretary of State has carefully considered your representations together with those of the Council. An inspecting officer of the Department visited the site on 13 November 1991. In this letter the trees will be referred to by the same numbers you used and as indicated on the plan attached to your original application.

3. You appealed on the grounds that the 3 beech trees and the horse chestnut tree are unsound and vulnerable to complete destruction through high winds, and that they pose a risk to life and property. You feel that the branches are brittle and susceptible to detachment, that they have cavities at low level and that the roots move in strong winds. You claim that no detailed inspection of the trees was carried out by the Council, and that your wish to conserve these trees by reducing their height is being frustrated by the refusal of consent. You also stated that all 5 appeal trees are exposed, and that failure to reduce the torsional stress contributed by wind loading on the upper branches will maintain the trees at risk of complete destruction.

4. The Council, in their written statement of 2 September 1991, submit that no evidence has been submitted to substantiate your claim that the 3 beech trees and the horse chestnut are unsound and vulnerable to complete destruction in high winds and that the branches are brittle and susceptible to detachment. The Council acknowledge that there are several cavities to be found on these 4 trees, but that there is nothing to suggest that they will cause structural failure, and that beech trees in particular are noted for their capacity to contain/compartamentalise decay. An inspection of the ground surface around the base of the trees found no sign of root movement. Although there was some scope for limited pruning and removal of dead wood, the

a heavy limb shed wound is a progressive decay cavity with an approximate depth and breadth of 25cm. The base of the tree is visually sound.

c) At approximately 29m from the north-west corner of your house, close to the boundary with the garden of Moorend Cottage, is tree number 5, the common lime. This has an approximate height of 23m and a trunk diameter of 0.55m. The canopy is more fully developed towards the north and west, and here its radius averages 5.5m. It is essentially a central leader tree and carries a scatter of dead wood, snags and hooked up storm damaged branch wood. The base of the tree appears sound and well founded, although a thorough inspection is limited by the typical heavy growth of basal shoots.

8. The Secretary of State notes that the appeal trees have their probable origins in a shelterbelt that extended northwards from a woodland to the south-west of Copper Beech Close and that trees of similar age and origin have been retained in the gardens of the estate's properties to the south of your house. These trees visually separate the development from the open countryside immediately to the west. He also notes that the appeal trees are visible from nearby properties but that, because of topography, other tree cover and lack of public access, they are not generally visible from other points in the neighbourhood. The Secretary of State considers that they contribute towards the wooded separation of open countryside from development in this district of Boxmoor and towards the shared visual amenity of neighbouring properties.

9. The Secretary of State considers generally that the appeal trees present little significant risk, given their separation from domestic property but that they are in varying structural condition. The beech stems form a common canopy that is visually drawn and unbalanced, but that their condition is adequate and without any present significant decay. In his opinion, given their exposed position and the rather drawn branch framework, they are fairly vulnerable to limb breakages during severe weather. However, he also considers that the comparatively light crowns are supported above well buttressed bases, and that the basal cavity noted does not result from decay but from the trees' structural form. He considers, therefore, that despite the chalky subsoil, total collapse is unlikely. In the Secretary of State's opinion, re-forming the upper crowns of trees numbered 1 and 2 by 30% would almost certainly be detrimental to their condition and could worsen the risk of future limb breakages. With regards to tree number 3, he considers that the work requested, if correctly carried out to a limited specification, would be less detrimental. The Secretary of State notes that the local planning authority have acknowledged the desirability of some works for these trees. He considers that it should be possible for them to agree with you a specification based on the pruning recommendations contained in British Standard 3998:1989 with the objective of visually, and structurally, tightening the form of the trees' combined canopy. A 15-20% reduction of lateral canopy would be an appropriate extent of permitted work. Such work would, of course, require the prior consent of Dacorum Borough Council.

10. The Secretary of State considers that tree number 4, the horse chestnut, is visually well formed, despite past crown damage. However, he notes that there is a large cavity on the westward side of the trunk at approximately 3.5m above ground level. Decay at this cavity is only partly compartmentalised and it is gradually extending downwards into the central trunk. The tree will become increasingly vulnerable to trunk fracture and in his opinion, therefore, the length of safe life of this tree is most uncertain. However, it could be extended by crown reduction, similar to that you requested, provided repeat operations were carried out at approximately 3-5 years in order to prevent the present heavy crown re-forming. Without such work, stem breakage in the vicinity of the cavity is likely to occur during very severe weather conditions.

11. The Secretary of State considers that tree number 5, the common lime, is in generally good condition with long term potential. He appreciates your fears, based on your experiences during the severe storm of January 1990, concerning the tree's relationship to a garage on neighbouring property, but he considers the tree to be well founded and that it does not present a significant risk to property, despite the chalky subsoil. He is of the opinion that an overall crown reduction by 30% would be inappropriate, unnecessary and harmful treatment. However, he does consider that it would be prudent to implement the removal of dead wood and hooked up debris. This permitted and routine management work could, with benefit, be extended to include overall 15% thinning with light reduction as indicated in the local planning authority's submission. The Secretary of State considers this careful pruning and light thinning would be appropriate and not detrimental to tree condition or visual form but would also require the prior consent of Dacorum Borough Council.

12. For the reasons given above, the Secretary of State hereby dismisses your appeal in respect of trees nos. 1, 2, 3 and 5 and grants consent for the following work:-

crown reduction to a maximum of 30% of present canopy density of tree no. 4. Such work to be carried out in accordance with British Standard 3998:1989 (Tree Work), taking particular note of Section 13, to the satisfaction of the local planning authority.

13. A separate note is enclosed setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by the making of an application to the High Court.

14. A copy of this letter has been sent to Dacorum Borough Council.

I am Sir
Your obedient Servant

ANDREW N HAYES

Authorised by the Secretary of State for the Environment
to sign in that behalf