

PLANNING

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Hemel Hempstead
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BARROW AND HOLDING
58 GLENVIEW ROAD
BOXMOR
HEMEL HEMPSTEAD
HERTS
HP1 1TB

Applicant:
MR & MRS STOREY
1 BEEHCROFT
CHESHAM ROAD
BERKHAMSTED
HERTS
HP4 3BT

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/01606/98/TPO

TPO FILE NUMBER: 202

1 BEEHCROFT, CHESHAM ROAD, BERKHAMSTED, HERTS, HP4 3BT
WORKS TO PRESERVED TREES

Your application for works to a tree protected by a Tree Preservation Order dated 01 September 1998 and received on 14 September 1998 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 06 November 1998

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/01606/98/TPO

Date of Decision: 06 November 1998

1. The Ash tree and Sycamore group that are proposed to be felled are mature specimens with no apparent significant defects. There is no case for the felling of these trees on the grounds of safety. Detailed plans for the residential development at Beechcroft were approved in July 1994 and the extent of necessary tree removal was agreed at that time. There is insufficient justification now to depart from the basis on which planning permission was originally granted. Furthermore, the works now proposed are detrimental to the public amenity value of the trees.



GOVERNMENT OFFICE
FOR THE EAST OF ENGLAND

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2 July 1999

Our Ref: E1/A1910/5/4/09
Your Ref: IBQ19982

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990
DACORUM BOROUGH COUNCIL FORMER SITE OF BEECHCROFT,
BEECHCROFT COTTAGE AND KINGHOE, (LAND BETWEEN 5 & 7 ALDERLEY
COURT AND PREPARATORY HOUSE) CHESHAM ROAD, BERKHAMSTED,
HERTS, TREE PRESERVATION ORDER, 1990 - THIRD SCHEDULE
APPEAL BY MR AND MRS H F STOREY AGAINST THE REFUSAL OF CONSENT
TO UNDERTAKE TREE WORKS ON LAND AT 1 BEECHCROFT CHESHAM
ROAD BERKHAMSTED**

1. I am directed by the Secretary of State for the Environment, Transport and the Regions to refer to your clients' appeal, made under the Third Schedule of the above-mentioned Order, against the decision of Dacorum Borough Council to refuse consent for:

- a) The reduction by 6 m and crown reshaping of a group of sycamore trees, identified as group B in the application;
- b) The reduction to the height of the adjacent house gable end of sycamore group C/ F;
- c) The felling of one ash tree, identified as tree G in the application; and
- d) The felling of sycamore group D/E.

The appeal trees are included within Area A1 of the Order and are situated on land at 1 Beechcroft, Chesham Road, Berkhamsted.

2. The Secretary of State has carefully considered your clients' representations, together with those of the Council. An Inspecting Officer visited the site on 15 March 1999. A copy

of his report is appended to this letter. In considering the report, the Secretary of State has read "trees" in line 6 of paragraph 15 as "tree".

3. In his report, the Inspecting Officer referred to the trees by reference to the letters used in your clients' original application to the Council. The same system is used in this letter.

4. In your grounds of appeal, you explained that your clients wished to increase the levels of daylight reaching their house and garden. The trees were of poor quality and possessed a low amenity value. They were not readily visible from beyond the curtilage of the property. The trees within groups D and E had been substantially, and poorly, cut back in the past. Their crowns were severely unbalanced. They could become unstable and a hazard. The ash tree (G) was prominent, but had a weak fork. It was liable to wind damage. There was scope for more appropriate ornamental planting in the garden and the refusal of consent had denied your clients the opportunity to manage the trees so as to improve the mix of species and their age graduation.

5. In their statements, the Council said that the need to retain the trees within Beechcroft had been a constant concern when plans for the development of the site had been under consideration. The appeal trees added to the wooded, semi-rural character of the area and formed part of an important landscape feature. Although the trees were not noteworthy individually, they had an important public amenity value. The topography of the site ensured that the trees were visible. An important visual screen between the appeal site and No 5 Alderley Court was provided by group C/F. There was no arboricultural justification for the works and the Council were concerned about the proposed introduction of ornamental species in the semi-rural location.

6. The Secretary of State has given careful consideration to all the arguments for and against the appeal proposal and to the Inspecting Officer's appraisal and conclusions. He has considered initially the trees' amenity value. The Inspecting Officer found that there were only limited viewpoints of the trees and that from most of them it was only the tops of the larger trees which were visible. The trees however might provide some screening function for the blank gable wall of Alderley Court. The Secretary of State accepts these findings and is satisfied that the existing tree cover in your clients' rear garden is of limited public amenity. This limited amenity value lends support to your clients' appeal.

7. The Inspecting Officer was of the opinion that your clients' rear garden was dominated by the dense mass of sycamore and ash. The trees also greatly reduced light levels within the garden and left rooms in the rear of their house in deep shade, particularly in the summer months. The Secretary of State accepts these findings. He shares the Inspecting Officer's conclusion, for the reasons given in paragraph 14 of the report, that the tree cover is ill-suited to its location and that a programme of removal and replacement planting to provide a more attractive landscape for the rear garden was appropriate and desirable.

8. Turning to the specific works proposed, the Inspecting Officer was of the opinion that sycamore D/E was least suited for retention and that removal would help to clear some space

at the western end of the garden. The forks at the base of tree G were not entirely satisfactorily formed, with some included bark and potential weakness. Taken with its more exposed position, the safety of the tree was suspect and its continued retention was inadvisable. The Secretary of State accepts the Inspecting Officer's assessment and agrees that these trees should be felled. In granting consent for felling, he will impose a condition requiring the trees' replacement.

9. The Secretary of State agrees with the Inspecting Officer, for the reasons given in paragraph 16 of the report, that the proposed reduction of the sycamores in group C/F would provide no benefit. He also agrees that the proposed reduction of the sycamore stems in group B would spoil their shape and the limited benefit they provide, and would represent unsuitable work. He accepts that the stems are best retained in their current form to provide some tree cover whilst other trees within your clients' rear garden are planted and have opportunity to develop. Your clients' appeal in respect of trees C/F and B will therefore not be allowed.

10. For the reasons given above, the Secretary of State agrees with the Inspecting Officer's appraisal and conclusions. Accordingly, he hereby:

a) Dismisses your clients' appeal in so far as it relates to the sycamores trees in group C/F and the sycamore trees in group B; and

b) Allows your clients' appeal in so far as it relates to the felling of the sycamore tree D/E and the ash tree G and grants consent for the felling of one sycamore tree and one ash tree, included within Area A1 of the Dacorum Borough Council Former Site of Beechcroft, Beechcroft Cottage and Kinghoe, (Land Between 5 & 7 Alderley Court and Preparatory House) Chesham Road, Berkhamsted, Herts, Tree Preservation Order, 1990, and situated on land at 1 Beechcroft, Chesham Road, Berkhamsted, subject to the following conditions:

i) At least three replacement trees shall be planted within the next planting season – ie October – March 1999/2000;

ii) The replacement trees shall be rowan (*Sorbus aucuparia*), purple-leaved plum (*Prunus pissardii nigra*) or hazel (*Corylus avellana*) or as agreed in writing between the parties;

iii) The replacement trees shall be planted in the rear garden of 1 Beechcroft, towards the western end of the garden, in precise locations to be agreed in writing by the Local Planning Authority;

iv) The size of the trees at planting shall be agreed in writing by the Local Planning Authority, prior to any planting taking place; and

v) The details of these tree replacement conditions shall only be modified following the prior written approval of the Local Planning Authority.

11. It might be advisable to let the Council know of the proposed felling of trees D/E and G at least seven days prior to its commencement.

12. 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.

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

Yours faithfully

Andrew N Hayes

ANDREW N HAYES

Authorised by the Secretary of State
to sign in that behalf

Department of Environment, Transport and the Regions
Eland House
Bressenden Place
London SW1E 5DU

File Reference: E1/A1910/5/4/09

To The Right Honourable John Prescott MP
Secretary of State for the Environment, Transport and the Regions

Sir,

I have been asked to advise on the appeal by Mr. H.F. Storey made under the Third Schedule of Dacorum Borough Council "Former site of Beechcroft, Beechcroft Cottage and Kinghoe, (Land between 5 and 7 Alderley Court and Preparatory House) Chesham Road, Berkhamsted, Herts" Tree Preservation Order 1990, against the refusal of Dacorum Borough Council to permit work to various trees on land at 1 Beechcroft, Chesham Road, Berkhamsted, and to carry out an inspection of the site on your behalf. On 15th March 1999 I made an accompanied site visit in the presence of Mr. H.F. Storey (Appellant), Mrs. E. Storey (wife of Appellant), Mr. I. Barrow (Tree surgeon for Appellant) and Miss T. Mattick (Planning Officer, Dacorum Borough Council).

1. This report contains a description of the appeal trees and their surroundings and my appraisal (on the basis of my observations and the written representations of the parties) of the likely impact of the proposal. It is illustrated by various photographs which are appended.

THE SITE AND SURROUNDINGS.

2. Chesham Road links Berkhamsted High Street at its northern end with the A41 trunk road at its southern end. Although it may originally have been a main road out of the town, Kings Road, which is the parallel road to the west, now carries the main traffic. The northern part of Chesham Road is one way, as it climbs steeply up the slope from Berkhamsted town centre. The width of the carriageway has been restricted by a series of chicanes to limit traffic speed. To either side there are steep tree-covered banks (photo 6). At the top of the slope of Chesham Road it joins Hilltop Road which services a residential area to the east, with the remaining section of the road to the A41 carrying two-way traffic.

3. Beechcroft is a short cul-de-sac to the west of Chesham Road, providing access to 10 detached properties, which were built in 1994. A short road curves round to the north, following the slope down. To the west lie the playing fields of Berkhamsted Collegiate School for Girls (photo 7). To the south, near the top of the slope, is Alderley Court, which is a development of short terrace blocks of two storey terrace properties, with gable flank walls (photo 5).

4. 1 Beechcroft is the first house in the cul-de-sac adjacent to the south side of the junction with Chesham Road. The site has been levelled by cutting into the slope, leaving a pronounced bank between the building and Chesham Road. The rear garden has a total width of 34m (from the edge of Chesham Road to the western boundary with No. 2) and depth of 15m from the rear of the house to the boundary with 5 Alderley Court. There is a brick retaining wall on the rear boundary, reaching a maximum height of 1.8m towards the western end, opposite the flank of 5 Alderley Court. Ground level at the base of this wall is approximately 4.5m above the small patio to the rear of 1 Beechcroft with the intervening garden sloping steeply down across the ivy-covered ground beneath the trees and an area of lawn (photo 1). Ground level adjacent to 5 Alderley Court is approximately 1m above the top of the retaining wall, i.e. approximately at the level of the ridge of 1 Beechcroft. The rooms on the rear elevation of No. 1 consist of a kitchen and utility room across the centre of the building, and the lounge set back by 1.5m at the western end. This lounge has patio windows to the rear elevation and two small side windows facing towards the adjacent flank wall of No. 2. At first floor level there is a study bedroom, another bedroom and bathroom.

5. In addition to the trees which are the subject of appeal, there is a substantial beech tree in early maturity on the top of the bank in the south east corner of the rear garden. This tree forms part of the dense tree cover which grows on the banks to either side of Chesham Road, these trees comprising many mature beech and horse chestnut, plus abundant younger sycamore on the eastern bank. Amongst the trees

which are the subject of appeal are three small groups of coppice hazel, and five recently planted small Leyland cypress. On the western boundary, adjacent to the rear garden of 2 Beechcroft, are two recently planted variegated holly, 1.2m high. Just within the rear garden of 2 Beechcroft, adjacent to the rear boundary fence, is the recently pollarded trunk of a substantial lime tree (photo 3). There are also five sycamore trees up to 18m high, some of which have been partially suppressed by the lime tree prior to its pollarding. (photo 2) There are also two sycamore in the rear garden of 5 Alderley Court, one of which has been heavily topped in the past.

THE TREES.

6. For descriptive purposes the trees are referred to by the initial letters, as in the application.
 7. Sycamore **B** consists of two trees, both 13.6m from the rear of the house and 17.9 and 16.0m from the western boundary. One of these trees is triple-stemmed, producing one stem with a diameter of 42cm at 0.9m above ground, and further dividing at 1.4m into stems with diameters of 40 and 39cm. Lateral branches have been lifted to a height of 4m on the south side and 7m on the north side (towards the house). Laterals above this level have been slightly shortened in the past, providing a radial spread of 4.6m. The tree is healthy and growing vigorously. The second tree is forked at ground level into stems with diameters of 40 and 33cm. Lateral branches develop above 4m, providing a radial spread of 4.5m towards the rear of the house.
 8. Sycamore **C** consists of three separate trees growing near the top of the bank. One has a height of about 5m and diameter of 10cm. Another has been topped to a height of 5m, and another has been topped to 4m leaving an ivy-covered stump.
 9. Sycamore **F** is a further group of sycamores growing near the top of the bank. They include separate stems with heights of 6 and 4m both of which have been suppressed. There is another etiolated stem with a height of 11m and diameter of 25cm. Another is forked at ground level with diameters of 21 and 18cm, plus a dead central stump. One of these leans towards the boundary with a height of 8m, the other providing a radial spread over the garden of 4m.
 10. The ash tree **G** consists of five main stems. Three of these with diameters of 20, 19 and 17cm sub-divide at ground level producing etiolated stems to a height of 16m. The two largest stems fork at 1m, each with diameters of 40cm. These two provide the main crown spread. One, which has a slight lean to the south with most branch development in that direction, has an overall height of 20m. The other leans to the north, and all lateral branches were reduced to a height of about 16m as part of the work in 1996. As a result, the tree has a radial spread of 4.5m to the north. The centre of the base of the tree is 10m from the rear of the house and 5.8m from the western boundary.
 11. Sycamore **D/E** consists of a single tree which forks at ground level into stems of diameters of 60 and 50cm, with these further sub-dividing to form seven rising stems. All lateral branches have been heavily reduced to short stubs at a height of 10m (photo 3). Regrowth on these is poor with extensive dieback.
- ## APPRAISAL.
12. The rear garden of the house is dominated by the dense mass of sycamore and ash. The sense of domination is increased by the trees occupying an elevated position on the bank, so that the base of the trees is approximately at first floor level. Furthermore, as the trees are adjacent to the southern boundary, they greatly reduce light levels within the garden, and also leave the rooms on the rear of the house in deep shade, particularly in the summer months when the trees will be covered with a dense mass of foliage.
 13. There are only limited viewpoints of the trees, and from most of these it is only the tops of the larger trees which are visible. Along most of Chesham Road, the dominant view is the fine mature trees on the banks to either side (photo 6); these include the beech tree in the south east corner of 1 Beechcroft. The appeal trees are only seen from a short section of Chesham Road adjacent to the entrance (photo 4), and again looking down the slope from the entrance to Alderley Court (photo 5). From within Beechcroft, the top of the sycamore (**B**) and the ash (**G**) can be seen over the rooftop (photo 2). The general mass of trees to the south of Beechcroft can be distinguished from Kings Road across the school playing fields (photo 7) but it is not possible to distinguish the individual trees. Likewise, it is not possible to distinguish the trees in distant views from the opposite side of the valley on the slopes to the north of Berkhamsted, but they may provide some screening function for the blank gable wall of Alderley Court.

14. The Appellant has planted two variegated holly adjacent to the western boundary, and also some small Leyland cypress (although these are unlikely to flourish in the existing dense shade). The submissions do not include any detailed proposals for replanting, but the Appellant suggested a preference for trees such as rowan (*Sorbus aucuparia*), purple-leaved plum (*Prunus pissardii nigra*) and hazel (*Corylus avellana*). These would be less dominant and more suitable for the landscape of the rear garden, but would also be less visible from the limited public viewpoints. At present, with the dense existing growth of sycamore, there is no scope for satisfactory development of new trees. A programme of phased clearance and replanting is therefore desirable.

15. The sycamore (D/E) which has been heavily reduced in the past is the least suited for retention as it has responded very poorly to the previous treatment. Removal of this would help to clear some space at the western end of the garden. However, this area would continue to be dominated by the ash (G). The forks at the base of the ash are not entirely satisfactorily formed, with some included bark and potential weakness. The tree now occupies a much more exposed position, having lost mutual shelter from the lime and other sycamores to the west and south. In these circumstances, the safety of the trees is suspect, and its continued retention is inadvisable.

16. The application seeks a reduction in height of the sycamores in groups C and F to the level of the gable end of 5 Alderley Court. None of the trees appear to reach the height of this ridge, or at most it would only be a short length of the topmost branches of the tallest tree. Removal of these would provide no benefit.

17. The sycamore stems in group B have been slightly reduced in the past, but the benefits of this are largely negated by further growth since then. Reducing the height of these stems by 6m would create a tree of similar unsatisfactory form to the existing stems on tree D/E. It would spoil the shape of the tree and the limited benefit which it provides, whilst providing only very limited improvement to the light levels to the garden or rear of the house. Work of this nature is unsuitable, and these stems are best retained in their current form to provide some tree cover whilst other trees within the rear garden are planted and have opportunity to develop.

CONCLUSIONS.

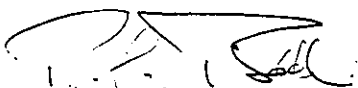
18. The existing tree cover in the rear garden of 1 Beechcroft is of limited public amenity, and is ill-suited to its location. A programme of removal and replacement planting to provide a more attractive landscape for the rear garden is appropriate and desirable.

19. The ash tree (G) has a potential weakness in the basal forks and the sycamore (D/E) has been spoilt by previous heavy crown reduction. The complete removal of these trees, in accordance with the application, would be appropriate. It would provide some space towards the western end of the garden for planting replacements.

20. Few if any of the branches on the sycamore trees in group C and F reach the height of the ridge of Alderley Court. Removal of tops of the trees to this level would make no difference.

21. The proposed heavy reduction of sycamores in group B would be inappropriate. These trees are best retained in their present form until new trees have been established.

22. If the ash G and sycamore D/E are felled, it would be desirable to impose a Condition requiring the planting of at least three replacements. The species referred to in paragraph 14 would be suitable, or alternatively other species by agreement between the Appellant and local authority.



Dr. P.G. Biddle, M.A., D.Phil., F.Arbor.A
8th April 1999