South Tyneside Council

Reference:	
Location:	3 Somerset Terrace East Boldon NE36 0TE
Ward:	Cleadon and East Boldon
Description:	Application for Tree Works: Works to Trees Subject to a Tree Preservation Order (TPO 184). T1 Sycamore of the MWA Arboricultural Report Works: Remove (fell) to near ground level and treat stump to inhibit regrowth. Reason: Clay shrinkage subsidence damage at the property. IMPORTANT: Please also refer to the Statement of Reasons for Works document submitted with this application.
Recommendation:	Refuse Permission
Case Officer:	Drewe Russell
Case Officer Contact No.:	0191 4247445 or 07765649865

Description of the Site

This application relates to 3 Somerset Terrace which is a semi-detached property located on Somerset Terrace. It includes a front garden and a rear garden. The property is located in the East Boldon Conservation Area. The house is located adjacent to East Boldon War memorial which is Grade II listed (list entry: 1435093).

The application property includes (TPO 184) (2007) which is marked as T1 on the submitted plans and is a Sycamore which is located in the front garden. To the rear of the war memorial there is a group of trees (W1) and within the curtilage of 2 Somerset Terrace there is a further tree (T2) however these trees are not the subject of this application and where the submitted application form makes clear that only the removal of T1 is being sought.

Description of the Proposal

The application seeks permission to remove (fell) T1 of TPO 184 (2007) to near ground level and treat the stump to inhibit growth. The applicant states that this is required because clay shrinkage is resulting in subsidence damage to the property.

Relevant Planning History

The planning history of the site is as follows:

ST/0505/17/HFUL-Construction of detached timber garage with vehicle access from Whitburn Terrace. Removal of existing timber gate within boundary and installation of roller shutter door. Approved in 2017.

ST/0740/13/HFUL-Proposed demolition of existing detached timber garage and replacement with new larger timber garage. Proposed removal of existing timber gate to rear lane and replacement with new roller shutter door. Approved 2013.

ST/0157/87//DM- Extension to dwelling house to provide kitchen, laundry and wc facilities- Approved in 1987

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 25/03/2025.

Tree Team

The application evidence includes root identification of Acer (includes sycamore) recovered from a trial pit, and the recommendation to remove all of the sycamore trees within 10 -12 metres of the property. I acknowledge the distance of 10 -12 metres being a reasonable 'influencing distance' in the view of the report author, however, I disagree that this evidence confirms the influence of T1.

With regard to the movement monitoring, the area of greatest amplitude occurred to the right-hand flank of a newer extension annexed to the older build. The location of resulting damage, alleged by the engineer's report, is the rear left corner at the junction with the extension.

I note some minor movement at point 10, which is to the righthand corner of the older part of the house. The movement here is very slight and does not appear beyond the normal 'settlement' of an older property, and there is no damage reported here.

In light of this, the proposal to remove all sycamore trees within 10 -12m from the property as a whole appears unnecessary. Alternatively, I would suggest the influencing distance should be taken from the location of greatest amplitude. This approach places T1 outside of the 10 -12 metres influencing distance cited by the arboricultural report.

In considering the distance between T1 to the site of damage and the existing ground conditions, it appears to me unlikely that roots from T1 would extend to the site of damage. The potential influence of other sycamore trees nearby cannot be ruled out at this time, and management options of W1 are being considered by the Council.

East Boldon Forum

The above application seeks the felling of a mature sycamore located in the front garden of No 3 Somerset Terrace, East Boldon and provides evidence that the tree roots are causing cracking of the partition wall between the kitchen and living room. The Addendum Arboricultural Report dated 18/02/2025 attributes the subsidence casing the cracking to the tree in question (T1 in the report) and also to trees in the adjacent woodland to the west side of the property (W1 in the report): *"Roots were observed to a depth of 2.5m bgl in TP/BH1 and recovered samples have been positively identified (using anatomical analysis) as Acer spp., the potential origin of which will be sycamores located within* ***woodland W1*** *and sycamore T1 confirming their influence on the soils below the foundations." "Having considered the*

information currently available, ***it is our opinion that sycamores within W1*** *and sycamore T1 are the principal cause of or are materially contributing to the current subsidence damage." "If an arboricultural solution is to be implemented to mitigate the influence of the implicated trees/vegetation we recommend that sycamore T1 and* ***sycamores in W1 located within 10-12m of the right flank of the house should be removed. Further tree removals may be necessary if movement persists. As a minimum this will include the first row of sycamores adjacent to the property boundary.*** *Replacement planting may be considered subject to species choice and planting location."* ***"Recommendation: Remove all sycamore stems within 10-12m of the right-hand flank of the house. As a minimum, this will include the first row of trees which border and overhang the property boundary. Grind out stumps to prevent regeneration. Do not poison stumps, as roots may be fused with those of surrounding retained trees."*** Given the above analysis, it would appear that trees in the adjacent woodland (W1) are at least as likely if not more likely than T1 to be causing the damage to the property. In the light of the above, can you clarify what the Council's intentions are with regard to the trees in the adjacent woodland (W1) prior to the felling of tree T1? It seems presumptuous to proceed with the felling of T1 without fully understanding what is to happen with the other trees which are the within the Council's domain. We request that a decision is deferred until the situation is clarified.

Summary of Representations

3 objections and 1 letter of support received in respect of the application.

- **Amenity and Environmental Impact:**
  - Trees in question are large, mature specimens contributing significantly to the character and green entrance of East Boldon, a designated Conservation Area.
  - The trees provide environmental benefits including air purification, rainwater absorption, and wildlife support.
  - Concerns raised about the precedent this application may set for other protected trees in the area, particularly those near the War Memorial.
- **Impact on Residential Properties:**
  - Residents report issues such as blocked light, root intrusion affecting soil and plant growth, and general mess caused by the trees.
  - However, these concerns are weighed against the broader conservation value of the trees.

Critique of the Application and Supporting Reports:

- **Awareness of Existing Conditions:**
  - It is noted that the homeowner was aware of subsidence and proximity to trees at the time of purchase.
  - The application is perceived as a cost-saving measure rather than a last-resort solution.
- **Alternative Mitigation Options:**
  - The building report identifies less destructive alternatives such as root barriers and underpinning, which should be prioritized over felling.
- **Discrepancies and Inaccuracies:**
  - Disagreement with arboricultural assessments, particularly regarding the management history of the woodland (W1).
  - Questions raised about the accuracy of claims regarding tree age, previous tree works, and the potential for heave.
  - Inconsistencies noted in the application form regarding conservation area status and replacement planting plans.

Procedural Concerns:

- Short consultation period (14 days) cited as insufficient for gathering and submitting comprehensive evidence.

- Suggestion that a separate application may be required for trees at the War Memorial site.

Assessment

Trees and landscaped features make a significant contribution to the character and appearance of the urban area and to nature conservation. Trees in parks and public open spaces, in private gardens and grounds and on streets and highways are all significant in this respect. Many of the important groups of trees are protected by tree preservation orders (TPOs).

LDF Policy DM1 (C) seeks to protect existing soft landscaping, including trees and hedges, where possible or provide replacement planting where necessary.

Paragraph 136 of the NPPF sets out that 'trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that … existing trees are retained wherever possible.' Likewise, paragraph 187 of the NPPF also highlights the importance of protecting existing trees.

The main issue to consider relates to whether there is sufficient justification for the removal of T1 Sycamore, of TPO 184 (2007). As set out in the application form, the reasoning behind the proposed removal is due to damage to the applicant property caused from clay shrinkage.

The Council's Tree Team have been consulted on the application. The consultation response identifies that in line with national policy, there is a presumption towards the retention of the trees protected by a TPO unless there is clear justification demonstrated by the application that there are no alternative options available. The Council's Tree Team considers that the loss of the T1 sycamore tree would result in considerable harm to the visual amenity of the neighbourhood. The application includes evidence of Acer roots from a trial pit and recommends removing all Sycamore trees within 10-12 metres of the property. However, the Tree Team disagrees that this evidence confirms T1's influence. They observe that the greatest amplitude of movement occurred at the newer extension's right-hand flank, while minor movement at point 10 in the older part of the house appears normal for an older property. Consequently, they consider the proposal to remove all Sycamore trees within 10-12 metres unnecessary and suggest focusing on the location of greatest amplitude, which places T1 outside the cited influencing distance. Given the distance between T1 and the damage site, it seems unlikely that T1's roots extend to the damage site, though the influence of other nearby Sycamore trees cannot be ruled out, and management options for W1 are being considered by the Council. The proposed felling fails to meet the requirements of South Tyneside Local Development Framework Policy DM1(C) and Paragraphs 136 and 187 of the National Planning Policy Framework.

Assessing the application in the planning balance, it is considered that the removal of one sycamore tree (T1) located within the front curtilage of the site would result in a loss of the considerable visual amenity value provided by the tree, and result in a negative impact on the immediate environment. The application site benefits from a large front garden to the south of the front elevation of the property. In this instance, the harm from the removal of the tree cannot be outweighed as there has not been sufficient justification provided to demonstrate that there are no alternative options available.

To conclude, it is considered that the removal of the sycamore tree (T1) the subject of Tree Preservation Order no. 184 (2007) would result in harm to the visual amenity of the immediate area and would therefore be contrary to LDF Policy DM1 and the NPPF with regard to the natural environment. It is not considered that the technical documentation supplied with this

application in respect of subsidence damage at the property provides the justification required to support the felling of tree T1.

Conclusion

In deciding whether to grant permission the Council must have due regard to the 3 equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty). A preliminary assessment of the potential equality impacts of any grant of planning permission in this case has been undertaken. There are no apparent equality impacts of the proposed development which give rise to the need to undertake a more detailed equality impact assessment.

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

In conclusion, for the reasons outlined above, the application is therefore recommended for refusal.

Recommendation

Refuse Permission

Reasons for refusal

1 The Local Planning Authority considers that removal of the tree would have a harmful impact on the visual amenity of the area and it is not considered that the documentary evidence supplied with this application in respect of the cause of subsidence damage at the property provides the justification required to support the removal of this tree. Therefore, the proposal would be contrary to Policy DM1 (C) of the South Tyneside Local Development Framework and Paragraphs 136 and 187 of the National Planning Policy Framework.

Plan Reference
Addendum Aboricultural Report received 24.02.25
Application Form received 24.02.25
Crack Monitoring Images Report received 24.02.25
Engineering Report received 24.02.25
Level Monitoring Readings Report received 24.02.25
Site Investigation Report received 24.02.25
Statement of Reasons for Works received 24.02.25

Case officer: Drewe Russell

Signed: DR

Date: 06.05.2025

Authorised Signatory: Geoff Horsman

Date: 12/05/2025