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5 April 2024

Your contact
is:

Sarah Hanson, Planning, Transport & Public Protection

Dear Sir or Madam

**RE: PROPOSED FELLING OF ONE PINE TREE AT 22 COCKNEY HILL, READING - T3 OF
TREE PRESERVATION ORDER NUMBER**

Thank you for your application of 11 January 2024 regarding the above.

As per my acknowledgement email of 12 January 2024 you have applied for permission for the following (tree references as given in the Arboricultural Report):

T1 Pine - remove
T4 Hazel - remove
T7 Cedar - remove
T8 Holly - remove

Your application is accompanied by the following documents:

Location Plan

Arboricultural Consultancy for Lloyds Bank report dated 03/01/2023

Arboricultural Consultancy for Lloyds Bank report dated 03/01/2023 Revised: 25/04/2023

Engineers Report from Innovation Group dated 14 October 2022

Engineers Addendum Report from Innovation Group

GEOTECHNICAL for Subsidence Management Services report dated 13 December 2022

LEVEL MONITORING for Subsidence Management Services report dated 30 November 2023

Preliminary discussion

Your application form states that you do not know the TPO reference and the

Arboricultural Report, revised 25/04/23, states that you are waiting for LPA search results. Full details of the TPO were provided to Innovation Group of 5/4/23. Only the Pine (T1 of the application; T3 of the TPO) is protected. As such, your application is taken to be an application seeking permission for:

-Fell one Pine (T1 of the application; T3 of the TPO)

In view of the fact that only one tree on site implicated in the subsidence is protected, I requested that Innovation Group consider withdrawing the current application, implement the felling of the non-protected trees, and any other vegetation considered necessary, and continue level monitoring to determine if movement is still occurring. It is appropriate to avoid felling high amenity, protected trees where other solutions may resolve the issue, in this case being the removal of other trees / vegetation. It is in the interests of all parties to ensure that no undue cost is spent on felling trees unnecessary, and also in view of climate change, I hoped that Innovation Group would want to support that principle.

In further emails exchanges with yourselves, I referred to the Engineers report of 14 October 2022 from Innovation Group (received post submission) and noted that this includes the following statements:

‘The most likely cause of subsidence is the shrinkage of underlying soils due to seasonal variations in moisture content. This will have been exacerbated by the moisture extracted by the roots of the nearby vegetation’.

And

‘It is most likely that stability will be regained once the vegetation has been removed or reduced’.

I commented that these would appear to support my request above, in view of the fact that seasonal variations occur anyway and that the issue may be resolved if the vegetation is ‘reduced’, which one could take as ‘reducing the amount of vegetation’.

However, the response provided by you on 28 February did not agree to withdraw the application and stated:

‘We have spoken with the engineer regarding your comments. To confirm we would not wish to withdraw the application as it stands. The evidence gathered and provided to you as part of the application indicates that clay shrinkage subsidence is clearly in effect at this property, and the protected Pine is a primary cause. This tree stands well within it’s theoretical rooting zone and has been positively implicated by roots recovered from the TP/BH’

LPA observations

As you are aware, following obtaining the householder details ourselves, as Innovation Group did not supply this in a timely manner, I visited the property on 15 March 2024 with our consultant engineers, Subtilis Consulting.

Based on the submissions provided and information obtained during our visit, I have the following comments (incorporating our engineers comments):

I understand from the householder that she has lived at the property for some 50 years and in that time, regular movement of the property has occurred (as one would expect on clay soil) but has been of a tolerable degree; being managed by minor repairs / decoration. However, the claimant notified insurers of damage observed at the end of summer 2022.

The description of damage given in both 'Arboricultural Consultancy for Lloyds Bank' reports (as per the description in the Engineers Report from Innovation Group dated 14 October 2022) is as follows:

'We understand that the current damage is indicative of downward and rotational movement to the front right-hand corner of the main property, relative to the remainder of the building. There are tapered diagonal cracks both internally and externally'.

Two trial pits were dug - TP/BH1 on the front (west) elevation and TP/BH2 on the rear (south) elevation. Below the foundation level, roots originating from *Pinus spp* (Pine) were found in TP/BH1, along with 3-4 other species. No roots from *Pinus spp* were discovered in TP/BH2; only *Prunus* species.

The results of the soil analysis tests for TP/BH1 confirms the soil as clay and having a medium potential for volume change. Soils of this classification suffer volume change due to variations in the moisture content and such changes can result in damage to buildings bearing on such a clay subsoil. Samples taken from TP/BH2 showed that the clay was not shrinkable. In relation to soil moisture content, none of the samples were recorded to be in a desiccated state at the time the investigations were undertaken, i.e. this indicates that moisture content is not being influenced by an external source; in this case, trees.

In my acknowledgement, it was noted, with reference to the Engineers Addendum Report (from November/December 2022), that this includes reference to the drains as follows:

'The drains at the front of the property have been surveyed and several defects were noted, including root ingress. These are not considered to be the cause of the subsidence based on the tested soil characteristics, although we do recommend that the defects are repaired'.

I sought confirmation of whether the drains have been repaired, as per the recommendations in the Drainage Investigation Report of 1st December 2022 (contained within the GEOTECHNICAL for Subsidence Management Services report dated 13 December 2022). Your response of 22 February stated: *'As far as we are aware all the drainage works have been completed but this was not a factor in the cause of the movement due to the desiccation (drying out) of the soil which is an indication that the vegetation is the main cause of the subsidence movement'.*

Level monitoring is a vital investigation in demonstrating that vegetation is having an impact on the movement of the dwelling; a particular pattern of seasonal movement

being expected where this is the case. Level monitoring was undertaken over the period between 18th November 2022 and 27th November 2023.

The level monitoring completed shows no clear evidence of substantial seasonal movement - no significant downward movement was recorded. This suggests that any mitigation measures undertaken prior to this date may have resolved the movement to the building. Monitoring location No. 6 showed the greatest magnitude of upward movement (approximately 10mm). However, there was no corresponding downward movement over the summer 2023 when this would be expected with the Pine tree remaining in-situ. Monitor station 4 recorded the greatest range of downward movement (between 4mm and 5mm) over the summer 2023. However, this is in a location away from the Pine tree where pine tree roots were not recorded. Your application form states that: *'Further monitoring results may be submitted if these become available during the course of this application'* - I assume none have been taken as we have received no further results.

The description of the damage is very limited. From the inspection of the property, significant cracking was recorded to many of the rooms and externally. No analysis or clarity has been provided as to the location and importantly the cause of the cracking damage. The inference taken from the technical reports provided is that the entire area within the dotted red circle shown on the Site Plan in the Arboricultural Reports and Site Plan in the Drainage Investigation Report is due to the Pine tree. This is unsubstantiated.

There are a potential number of causes relating to the damage throughout the property which could result in the damage recorded including, but not limited to, direct physical action from tree root / tree trunk growth against and beneath the wall. No commentary has been provided to distinguish damage relating to these potential causes and the alleged damage relating to the Pine tree.

At the location of the trial pit TP/BH1, the cracking damage has been repaired on what appears to be a number of occasions in the past. The cracking damage is predominantly vertical in nature and the pattern and location of this cracking is not consistent with tree root related clay shrinkage / heave:



Decision

As you will appreciate, it is appropriate for the Council to have sufficient evidence to clearly demonstrate that a protected tree is a major contributory factor in any subsidence before allowing its removal. It is in the best interests of all parties involved for the right decision to be made to avoid unnecessary felling if this would not, in fact, resolve the issues.

It is appropriate that LPAs assess the amenity value of the tree and the likely impact of the felling on the amenity of the area, and in the light of that assessment to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it. In this case, the evidence provided to date does not confirm tree root related clay shrinkage subsidence to the property attributed to the Pine tree. **As such, felling would be inappropriate and is therefore refused.**

We would welcome a new application in the future once additional investigations and information is obtained and if this is considered to address the lack of evidence thus far. To assist, in order to identify any contribution to damage to the building as a result of the Pine tree, the following would be expected:

- 1) Confirmation of the exact location of trial pit TP/BH2.
- 2) A full and detailed description of the damage to the property and more importantly the damage which is suggested to be due to the action of the Pine tree and those due to other causes.
- 3) Confirmation of what drainage repairs were completed and when?
- 4) Confirmation of other tree mitigation works undertaken and when?
- 5) Confirmation of downward seasonal movement over summer months to confirm the action of the Pine tree on the property. As noted above, the level monitoring does not indicate any significant downward movement over the summer of 2023 where this would be expected if the Pine tree was influencing the soil below foundation level.

In conclusion, the proposed felling of the Pine tree is refused for the reasons given above.

If you wish to appeal against the Council's decision on this matter, please contact the Planning Inspectorate within 28 days of receipt of this letter to obtain the relevant forms:

Trees and Hedges
Room 3A Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Telephone: 0303 444 5000

E-mail it to: treeandhedgeappeals@planninginspectorate.gov.uk

Website: <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#appealing-against-local-authority-decisions-on-applications>

If you suffer any loss or damage as a result of this refusal of consent, you may be entitled to recover compensation from the Council. If you wish to make a claim you must do so within 12 months from the date of this decision (or, if you appeal to the Secretary of State, within 12 months from the date of his decision). Claims should be made in writing to the Insurance Section, Reading Borough Council, Civic Centre, Bridge Street, Reading, RG1 2LU.

Your application form states that *'In the event of a refusal we, or our clients, will seek to secure compensation for the additional costs incurred through Section 202(e)'*. It is within your gift to pursue that course (along with the associated costs) if you, or your client, firmly believe there is a case to be made. However, given the content of this letter, I would suggest that this would be inappropriate and that your resources are better spent in addressing the outstanding information, for the benefit of all parties. I am aware that the householder is understandably keen to resolve the issues in order that the house can be successfully repaired and would suggest she is best served by clearly establishing the cause of the damage so that repairs are appropriate and of long-term benefit.

If you require any further assistance, please do not hesitate to contact me on the above number.

Yours sincerely

Sarah Hanson

Sarah Hanson
Natural Environment Officer

C.c. Mrs Kerr, 22 Cockney Hill, via Mr J Kerr (email)