

11 East Farm Mews
Backworth
Tyne & Wear
NE27 0FB

Dave Brown
North Tyneside Council
Quadrant
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY

17th April 2020

REF: 20/00262/TREECA

Dear Sir,

Please accept this letter as our right to object to the decision regarding the felling of a Sycamore tree (referred to as T1 in your response) within our property boundary and also our opportunity to make additional representation regarding the application for your further impartial and professional consideration.

T1 is located approximately 7.6m in a northerly direction from the north west corner of 11 East Farm Mews and approximately 9.5m in a north westerly direction from the north east corner of 11 East Farm Mews. Our objections are set out below:

T1 has a girth of 67 inches and is 50ft tall and is extremely dominant in our small corner plot which is triangular shaped and is therefore disproportionate in size. Our understanding is that the plots that now make up East Farm Mews were originally farmland where tree positioning and size was irrelevant, however as the site has now been developed as residential dwellings it would appear that an element of oversight has occurred regarding trees within property boundaries and it is widely considered that Sycamore trees are impractical for the average home landscape.

Above you have stated that T1 is approximately 7.6m from the north west corner of 11 East Farm Mews. www.gardenlaw.co.uk indicates that a safe distance of a sycamore tree with an average height of 24m should be a minimum safe distance of 17m away from property. This calculates to 0.78m distance per 1m of tree height. In our case **a safe (minimum distance)** for a 50ft tree height (assumed) = $15.24 \times 0.78 = 10.795\text{m}$ approximately. The location of T1 therefore **fails** this test by **3m**.

imilar information regarding tree size versus property distance was recorded in Cutler DF & Richardson IBK (1989), "Tree Roots and Buildings" 2nd ed, Longman.

In the Officer's Recommendation Report published 7th April 2020 the main context of the report regarding the decision for T1 emphasizes the amenity value of the tree.

www.gov.uk Tree Preservation Orders and trees in conservation areas (published 6th March 2014 from the Ministry of Housing, Communities and Local Government) states the following:

What does 'amenity' mean in practice?

'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.

Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

Paragraph: 007 Reference ID: 36-007-20140306

Revision date: 06 03 2014

What might a local authority take into account when assessing amenity value?

When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account the following criteria:

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

The Officers recommendation report cites that T1 is 'visible from the highway associated with East Farm Mews but due to its location being at the end of the cul-de-sac and within a side garden is not as prominent'.

Attached with this letter is an aerial map of East Farm Mews (and Greymartins) highlighting T1 with a number of photographs (appendix 2) taken at eye level demonstrating visibility. It is reasonably evidenced from the photos that the properties within the cul-de-sac that may find amenity value provided by T1 are the occupiers of 10, 12, 14, 15 & 16 East Farm Mews only. There are approximately 18 dwellings in the cul-de-sac which means that only 27% of the residents have partial visibility of varying degrees of T1.

Additional photos have also been provided taken from the main road (B1322) where T1 is not visible at all and also from the entrance to Greymartins where again T1 is not visible. Only through traversing down Greymartins and drawing level to the rear corner of 11 East Farm Mews is visibility partially exposed. Views are also restricted from the playing fields due to the existing tree line.

It is therefore not clear in the officer's recommendation report how amenity value has been established, evidenced and the criteria that has been used to indicate that T1 'has a high amenity value and makes a positive impact on the character and appearance of the

conservation area. It is further not clear how the statement provided within the officer's recommendation report meets government guidelines that public visibility is not in itself sufficient to warrant an order or that the removal of T1 would have a significant impact on the character and appearance of the conservation area.

Further to the character and appearance of the conservation area, the local planning authority has already granted planning permission for the **construction of two three-bedroom dwellings, including accompanying car parking, landscaping and garden space** to be built on the land located opposite 11 & 12 East Farm Mews in Greymartins Lane which was approved in 2015 **Ref. No: 15/01617/FUL**

In allowing the development to go ahead, the local planning authority approved the felling of at least 3x existing trees (including a Sycamore Tree) and a number of hedges within the site boundaries as evidenced on the arboriculture reports that were submitted with the application.

The differences in the council response and overall decision to our application and that of the development of 2x three bedroom dwellings in Greymartins Lane does not appear to be consistent when taking into consideration the implied value of Sycamore trees that has been attached to our application, the implied impact on amenity value and the implied preservation of the character and appearance of the conservation area. The development of the 2x three-bedroom dwellings in Greymartins commences approximately 8.18m away from our rear fence which also borders Greymartins Lane.

The officer's recommendation report also references 'that there is insufficient evidence that the tree is a severe risk to people or property'. We would challenge the substantiation of this statement as Lind Elias has a rare blood disease where platelets are not reproduced in the body, for ease of explanation this is akin to a form of Haemophilia where any trauma received to the body can cause both extensive internal and/or external bleeding.

In Lind's case this has been recognised by the medical profession as potentially a life-threatening condition. In our submission we provided photos (appendix 2) of a number of branches that have fallen from the tree and should one of those branches have landed on Lind then there is a very high risk that it could have triggered a trauma requiring medical attention.

Further to this, Lind also suffers from asthma and bronchitis that has progressively got worse over the last 2-3 years. Every summer a sycamore tree develops fine dust on the underside of its leaves. This dust is a respiratory irritant. Some people just cough a little, while others might progress to violent vomiting after a terrible bout of coughing. The tree is so large in our small garden there is no escape from it and it causes breathing difficulties for which Lind needs to use inhalers and steroids to combat severe asthma attacks on a daily basis. But there are also lesser-known risks to look out for including **sycamore seeds** – which have recently been discovered to be noxious. Below is an excerpt from a national newspaper regarding wind pollinated plants.

The **Guardian Newspaper** reported on 3 May 2013 **Avoid wind-pollinated plants** Their pollen is tiny, light and easily inhaled. Insect-pollinated plants produce heavier pollen that sticks to the pollinator and does not easily become airborne. Many of our most common trees are wind-pollinated, including ash, birch, elder, hazel, horse chestnut, oak, plane, **sycamore**, willow and yew. All produce huge clouds of pollen in early summer.

Medical records are available on request should you wish to validate the platelet, asthma and bronchitis conditions further? In light of Lind's personal health conditions, we respectfully

ask that it is clarified as to what further information we can provide to support our view that the tree has the potential of being a severe risk to people (Lind), contrary to the wording in the officer's recommendation report?

Our final comment is in regards to the consideration of the volume of other remaining trees that line Greymartins lane and the surrounding fields. There are also 3x sycamore trees to the front of 11 & 12 East Farm Mews, 7x sycamore trees at the rear of 12 East Farm Mews, a further sycamore tree at the corner of the rear of 11 East Farm Mews and also 1x Hawthorn tree at the rear boundary fence of 10 & 11 East Farm Mews that will all remain in situ. Taking into consideration the density population of these additional trees along the immediate boundary lines of 10,11 & 12 East Farm Mews it is not clear how the decision of the removal of T1 would significantly impact on the landscape and amenity value?

No neighbouring properties or local stakeholders have raised concerns or objections to the application.

When the tree has been felled we will plant a native broad leaf 10/12 girth within the garden for example a green beech or red oak.

Yours sincerely,

Steve Dudley & Lind Elias.

Appendix 2 – Photographs



Photograph 1



Photograph 2



Photograph 3



Photograph 4



Photograph 5



Photograph 6



Photograph 7



Photograph 8



Photograph 9



Photograph 10



Photograph 11



Photograph 12



Photograph 13



Photograph 14



Photograph 15



Photograph 16



Photograph 17



Photograph 18



Photograph 20



Photograph 21