

Document Reference **YO325WE/280124**

Planning request: Removal of mature purple beech tree (T1).

Location: 2 Netherwoods & 69 The Village, Strensall, York

This report has been compiled to support the application to remove a mature beech tree from the rear garden of 69 The Village, Strensall which overhangs the rear garden of 2 Netherwoods. An earlier planning application, 23/00934, was rejected by CYC and a TPO (CYC458) has since been imposed on the tree.

Tree Location

The tree is located in the North western corner of the rear garden of 69 the Village, 1 metre from the southern boundary fence between 69 the Village and 2 Netherwoods. It is situated on the northern boundary of the Strensall conservation area and overhangs the rear garden and property of 2 Netherwoods. Document Reference 1 is an extract from a tree survey carried out to support planning application 09/01653/CAC to demolition and redevelop the site of 69 The Village (The application was refused). The document clearly shows the position of the tree with relation to the conservation area boundary and the close proximity to 2 Netherwoods. The property 2 Netherwoods is outside the conservation area boundary. The tree is situated at the northern extremity of a row of mature trees located between 67 and 69 The Village and as such there is a restricted view of the tree from the public highway (The Village), this is clearly shown in the tree survey document, reference 1. The tree is further obscured by a 3.5 metre high hedge running along the southern edge of 69 The Village. The view of the tree from Netherwoods is obscured by the dwellings on the south side of the street, Numbers 1, 2 and 3.

The location and size of the tree are accurately portrayed in the diagram, reference 1 and the aerial photograph shown in reference 2.

The diagram forming part of the CYC TPO document CYC458 is totally inaccurate in both the tree location and size of the tree canopy. The diagram is also out of date as it does not show the rear extension to No 2 Netherwoods completed in 2020 (ref CYC enquiry advice QUERY/19/00475) which replaced a conservatory erected in 1999 (ref CYC application 99/00267/FUL), also not shown on the diagram.

Reasons for removal

1). Property Overshadowing

The Netherwoods development was built in the late 1990's by Hogg the Builder and the current owner of number 2 has owned the property since 1997. After living with the tree for 25 years it is becoming difficult to maintain the rear garden. The main trunk of the tree is located 1 metre from the boundary fence and 6 metres from the Netherwoods property and is a dominating feature over the property keeping the south facing garden in complete shade for 8 months of the year. The tree survey document, reference 1, includes an arc showing the shade path over the property. This is supported by the aerial photograph showing the tree shadow over the property, reference 2.

2). Safety Issues

The residents of Number 1, 2 and 3 Netherwoods are also concerned that in the event of the tree falling down severe damage to their properties not to mention possible fatalities could occur. The danger of falling branches and other debris has increased due to the size of the tree and the frequent storm conditions recently occurring in the UK.

Additional work involved in clearing debris in the form of leaves, twigs, branches and beech nuts which fall from the tree throughout the year is becoming an arduous task.

3). Health Issues

There is an added health problem associated with pigeons roosting in the tree and fouling the garden, garden paths and house with faeces. The problem of bird faeces appears to have got worse over the last few years due to the explosion in the local pigeon population. The owner of 2 Netherwoods has had to erect a canopy over part of the garden to shield the patio area from the danger of falling debris and pigeon faeces. The objection letter from the residents of No 3 Netherwoods also highlights the problem of excessive pigeon droppings in their rear garden. They have added concerns as they have two children under the age of ten who regularly play in the rear garden.

The following summary of possible diseases contracted from pigeon faeces is extracted from the UK HSE web site.

[Psittacosis and other diseases from work involving bird droppings - Harmful micro-organisms - Controlling hazardous substances - Managing occupational health risks in construction \(hse.gov.uk\)](#)

“Breathing dust or water droplets containing contaminated bird droppings can lead to several diseases including:

- **Psittacosis** – this is a rare infectious disease caused by a bacterium called *Chlamydia psittaci*. It is mainly associated with parrots and other similar species but does affect other birds, including pigeons. Symptoms are commonly a flu-like illness and pneumonia usually appearing 5-19 days after exposure.
- **Salmonella** – this may also be present in some bird droppings. It is a bacterial infection that can cause significant diarrhoea.”

The owner of 2 Netherwoods has canvassed opinions of Netherwoods inhabitants and no objections to the removal of the tree have been raised, the owner of 69 The Village has also confirmed he has no objection to the tree being removed as he is currently liable for any damage caused by falling branches and debris.

Also included in this report are details of three recent planning applications which were approved by CYC for the removal of mature trees within the conservation area at 67 The Village, 69 The Village and 1A Northfields, all three properties are adjacent to 2 Netherwoods and are highlighted on the aerial photograph, reference 2.

This is the second application request to remove the beech tree. The imposition of a TPO by CYC in July 2023 was strongly objected to by the residents who are directly affected by the tree but it appears that CYC have ignored all the written objections and forced through the TPO against the residents wishes. Copies of these objections are included in this report under references 3, 4 and 5.

The objectors to the imposed TPO further reject the councils claim that the tree is “integral to the attractive verdant characteristic of the Conservation area and its removal would cause harm to the amenity of the conservation area”. The tree is obscured by the Netherwoods houses, only the upper 10% can be seen above Nos 1,2 and 3. The tree is only partially visible from The Village due to its location at the northern end of a group of trees between 67 and 69 The Village and it is further obscured by a 3.5m high hedge at the front of 69 The Village. The tree is only now visible from short sections of Northfields since the council agreed to the felling of a mature Sycamore tree (T2 on the aerial photograph, reference 2) at 1A Northfields in 2023 (Planning Application 23/00127/TCA)

Replacement Trees

If the planning application for the removal of the beech tree is successful the residents of 2 Netherwoods will finance the procurement and planting of three standard size (2.5-3m) replacement purple beech trees (*Fagus sylvatica purpurea*) within the Strensall village area. Considerate siting of the replacement trees would enhance the verdant characteristics of Strensall village once suitable locations are agreed with Strensall Parish council.

Previous Planning Applications relating to the Beech tree (T1)

There have been three planning applications over the last 13 years relating to the tree (T1) at 2 Netherwoods. The most recent application was a request to remove the tree, the two earlier applications relate to trimming the overhanging branches of the tree.

- Planning Application 10/01505/TCA submitted in July 2010 requesting permission to remove overhanging branches. As part of the approval process the local authority carried out a site visit and did not apply a tree preservation order (TPO) to the tree.
- Planning Application 19/01858/TCA submitted in September 2019 requesting permission to remove overhanging branches. As part of the approval process the local authority carried out a site visit and did not apply a tree preservation order (TPO) to the tree.
- Planning Application 23/00934/TCA submitted in May 2023 requesting the removal of the tree. After two site visits by CYC personnel this application was rejected and the tree was subsequently made the subject of a preservation order TPO CYC458.

Recent Planning Applications relating to tree removals within the Strensall conservation area adjacent to 2 Netherwoods

- Planning Application 23/00127/TCA submitted January 2023 requesting the felling of a mature sycamore tree at 1A Northfields, Strensall. This application was approved on 23rd February 2023. The aerial photograph of the site, reference 2 was taken before this sycamore tree was removed, it is highlighted as T2 on the photograph.
- Planning Application 22/02036/TCA submitted September 2022 relating to various tree work including the felling of a mature conifer tree at 69 The Village, Strensall. This application was approved on 1st November 2022.
- Planning Application 09/00093/TCA submitted January 2009 requesting the felling of a mature Scots Pine tree at 67 The Village. This application was approved on 21st July 2009.

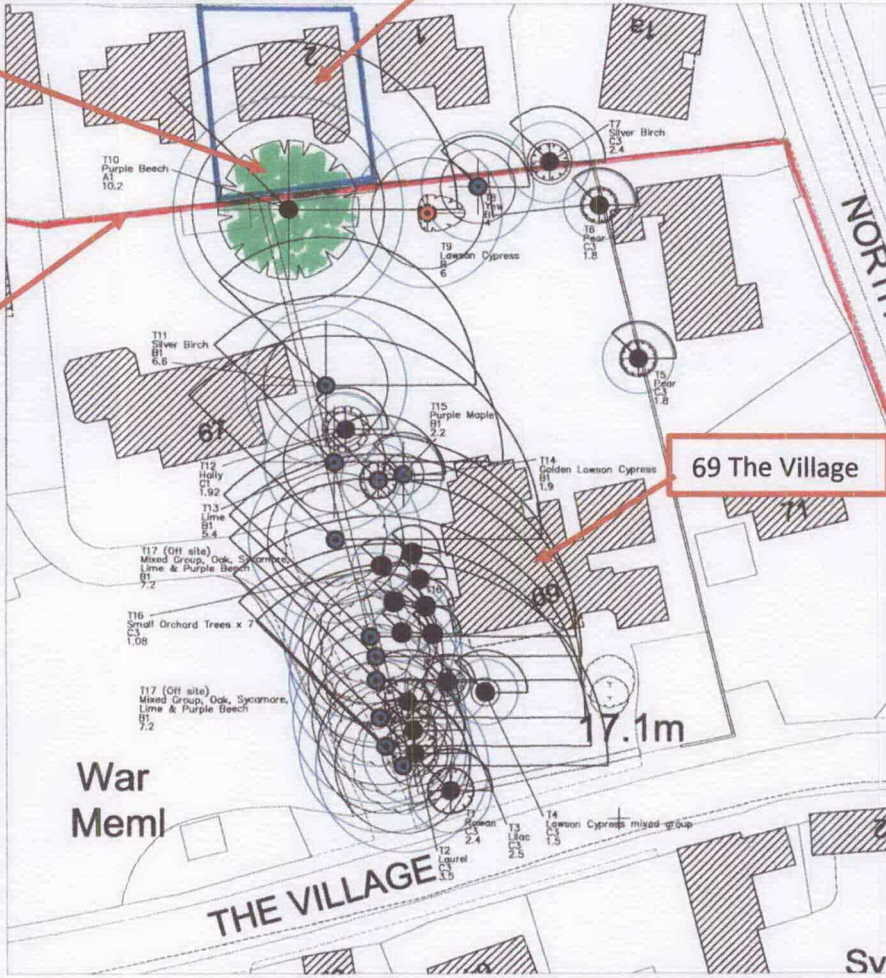
69 The Village Strensall, York - Tree Survey

T1 Beech Tree

2 Netherwoods

Boundary of conservation area

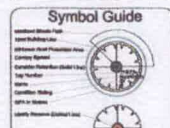
69 The Village



BS5837:2005 Trees in relation to construction - Recommendations

Table 1 - Cascade Chart for Tree Quality Assessment

Tree ID	Species	Height (m)	DBH (cm)	Condition	Notes
T1	Beech	10.2	A1	A	High Quality Tree
T2	Netherwood	2.4	B1	B	Medium Condition Tree
T3	Lime	5.4	B1	C	Low Quality Tree
T4	Golden Lawson Cypress	1.9	B1	R	Poor Quality Tree
T5	Purple Maple	2.2	B1	B	Medium Condition Tree
T6	Small Orchard Trees x 7	1.08	C3	C	Low Quality Tree
T7	Mixed Group, Oak, Sycamore, Lime & Purple Beech	7.2	B1	B	Medium Condition Tree
T8	Small Orchard Trees x 7	1.08	C3	C	Low Quality Tree
T9	London Cypress	6	B1	B	Medium Condition Tree
T10	Purple Beech	10.2	A1	A	High Quality Tree
T11	Silver Birch	6.6	B1	B	Medium Condition Tree
T12	Holly	1.92	B1	B	Medium Condition Tree
T13	Lime	5.4	B1	C	Low Quality Tree
T14	Golden Lawson Cypress	1.9	B1	R	Poor Quality Tree
T15	Small Orchard Trees x 7	1.08	C3	C	Low Quality Tree
T16	Small Orchard Trees x 7	1.08	C3	C	Low Quality Tree
T17	Mixed Group, Oak, Sycamore, Lime & Purple Beech	7.2	B1	B	Medium Condition Tree
T18	Small Orchard Trees x 7	1.08	C3	C	Low Quality Tree
T19	London Cypress	6	B1	B	Medium Condition Tree
T20	Small Orchard Trees x 7	1.08	C3	C	Low Quality Tree
T21	Small Orchard Trees x 7	1.08	C3	C	Low Quality Tree
T22	Small Orchard Trees x 7	1.08	C3	C	Low Quality Tree
T23	Small Orchard Trees x 7	1.08	C3	C	Low Quality Tree
T24	Small Orchard Trees x 7	1.08	C3	C	Low Quality Tree
T25	Small Orchard Trees x 7	1.08	C3	C	Low Quality Tree
T26	Small Orchard Trees x 7	1.08	C3	C	Low Quality Tree
T27	Small Orchard Trees x 7	1.08	C3	C	Low Quality Tree
T28	Small Orchard Trees x 7	1.08	C3	C	Low Quality Tree
T29	Small Orchard Trees x 7	1.08	C3	C	Low Quality Tree
T30	Small Orchard Trees x 7	1.08	C3	C	Low Quality Tree



BS5837 - Condition Rating Colour Code

- A - High Quality Tree
- B - Medium Condition Tree
- C - Low Quality Tree
- R - Poor Quality Tree

Robert Burns Design Associates

69 The Village Strensall, York

Pre-Development BS5837 - Tree Survey

Scale 1:200 @ A1
Drawing No BA2603TS
Date 08/07/2008

BARNES & ASSOCIATES
Independent Consulting Arborists
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Reference 1 Extract of the tree survey report from planning application 09/01653/CAC



Reference 2 Aerial view of 69 The Village, Strensall

Reference 3, TPO Objection letter from the residents of 1 Netherwoods

To whom it may concern.

RE the City of York Tree Preservation Order CYC458.

Thank you for your letter with regards to the above tree preservation case.

The tree located in the rear garden of 69 The Village, Strensall, York over looks our garden on One Netherwoods.

Both my partner and I are lovers of the outdoors, and of trees, bushes and plants alike. We both have health issues which prevent us from working and I myself suffer from SAD Syndrome.

We have lived in the shadow of the tree for the last 26 years and although we do love the tree, it is now unfortunately causing us some concern.

The tree is extremely large and over hangs, covering our garden in shade, the mess the tree leaves in our garden is immense and we are unable to clear this ourselves so have to arrange for garden maintenance to clear the spring husks and autumn leaves at a cost of £350 a year, a cost we can ill afford for a tree which is not ours.

The shade the tree provides covers the bulk of our garden, this means that I physically have to leave my home and garden in order to control my SAD syndrome and ease my mental health.

The circle on the diagram you have provided does not represent the actual size of the tree, and we are aware that there are some people who love the tree and want it to remain as it is. If the tree were not causing us this stress and worry, we indeed would be one of those people.

Our other concern is around what damage the tree could do to our house should it be struck by lightning or strong winds damage branches sending them crashing into our property.

We do already constantly have large branches falling into our garden after storms.

We know our neighbour, Mr Bewley, who is 71, living on his own, pays approximately £1000 to keep the tree away from his property.

We love our garden, it is low maintenance so we can manage to keep it tidy but the tree is causing us great distress and financial outgoings, it is a great worry to us which causes anxiety and stress and for this reason, we would like you to please consider removing the tree.

If you would like to come to our house and see the effect the tree has on us, we would happily accommodate this.


We can if you wish supply pictures of the tree from our garden and house.

We look forward to hearing from you.

Your sincerely

Stephen Tearle and Kelvin Grant

1 Netherwoods
Strensall
York



Reference 4, TPO Objection letter from the residents of 2 Netherwoods

2 Netherwoods.
Strensall,
York
YO32 5WE
5th August 2023

Planning Application reference 23/00934/TCA

Beech Tree Removal at 2 Netherwoods, Strensall, York YO32 5WE

Objection to TPO Notice CYC458 dated 10th July 2023

Comments from

John Bewley, 2 Netherwoods, Strensall, York YO32 5WE

My wife and I moved into 2 Netherwoods in 1997, a new house built by Hogg the Builder. At first I was reluctant to purchase the house because I could see all the problems caused by living within 10 metres of a tree, however we both loved the house and my wife took on the role of looking after the garden. Over the last 25 years we have aged 25 years and the tree has grown significantly and the work involved in maintaining the tree has become more time consuming and arduous. In an attempt to reduce the workload and to prevent the tree branches from touching the house we had the tree trimmed back on two occasions in 2010 and 2019 (planning permission was sought and granted on both occasions though no Tree Preservation order existed nor was placed upon it). Despite these measures the tree still dominates the entire rear garden to the extent that no sunlight enters the garden during the majority of daylight hours even in high summer leading to additional expenditure on energy usage to heat the house and keeping the interior lights on at all times. It is the equivalent of living in a dark cave. On the rare occasion when we can sit outside we have had to erect a semi-permanent cover over the patio area to act as a shelter from bird droppings, falling tree branches and other debris.

Sadly my wife died last November and the task of maintaining the garden has now become my sole responsibility and I have discovered exactly how much work is involved 365 days a year ie in picking up leaves, thousands of beech nuts and large broken tree branches. It is impossible to enjoy the garden when the vast majority of the time is spent collecting leaves and beech nuts whilst avoiding large piles of bird droppings. This additional garden maintenance work

coupled with the worry relating to the close proximity of the house caused by this dominating tree is leading to sleepless nights and is having an increasing effect on my mental state.

The tree not only dominates the property physically with its enormous size but it also imposes its presence throughout the year including the winter months when the property and garden are covered in excrement dropped from the colony of wood pigeons that roost in the tree branches overnight. This is becoming a health risk to anyone visiting the garden and the task of cleaning the garden paths, property windows and walls is a regular chore all year round. A typical example of the mess resulting from roosting pigeons is shown in the photo below. This was deposited over one night and is a regular occurrence throughout the year.



Typical example of the health risk from pigeon excrement during the winter months

Because of its location, on the northern boundary of No 69 The Village, the tree lies within the Strensall village conservation area. However due to its position relative to the surrounding properties and trees it is not clearly visible in its entirety from any of the neighbouring streets, The Village, Netherwoods and Northfields. The properties that are directly affected by the tree are Numbers 1, 2 and 3 Netherwoods and 1a Northfields and all these residents are strongly in favour of the tree being removed.

I am also concerned about the ongoing maintenance of the tree. Over the past month of wet and stormy weather several tree branches up to 30mm in diameter have landed in my garden from the tree and I am aware that as the tree owner, Mr Paul Bennett of 69 The Village will be liable for any damage caused by falling debris either to my property or any person beneath it.

I therefore strongly recommend that if the TPO is not overturned then an annual or biennial treetop inspection of the tree, funded by Mr Bennett or CYC, is carried out by a qualified tree surveyor and a report distributed to all the properties at risk from the tree canopy.

I would strongly advise or even insist that members of the planning committee visit my property before the final confirmation is made on the TPO order. Seeing the tree at close quarters is an alarming sight and should be viewed before making decisions that can affect people's lives based purely on documentary evidence which, unfortunately, hasn't always been accurate and the state of the tree as reported by CYC's tree officer.

As stated in previous submissions if I am allowed to fell the tree I am prepared to finance the planting of two trees and you are also aware that the neighbour at No 14 Netherwoods has also agreed to finance the planting of a tree, to be positioned in a more appropriate location within the Strensall parish council area thus providing ongoing aboricultural amenities for future generations to enjoy in more fitting locations.

Yours Faithfully

John Bewley

Reference 5, TPO Objection letter from the residents of 3 Netherwoods

Julia and Chris Adams
3 Netherwoods
Strensall
York
4032 SWE

Ref - JI LCS1
J911

18th July 2023

Dear Tree Officer,

We would like to object to the Tree Preservation order that has been applied to 69 The Village Strensall with reference CYC458.

The tree blocks a lot of light coming into the garden and is of such a size that it is very intimidating.

As it is large and overbearing we are also concerned that if it were to fall for any reason, the proximity to the house would mean it would cause considerable damage.

P.T.O →

furthermore, it also attracts pigeons and the amount of pigeon poo in our garden from it is absolutely disgusting.

We therefore hope you will take our objections into account and remove this Tree Preservation order so the tree can be safely removed.

Yours faithfully

Chris and Julia Adams
3 Netherwoods
Strensall
York



18/7/23