

TREE REPORT AT 46 OUTERWYKE ROAD, BOGNER REGIS

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41 UPPER ABBEY ROAD BRIGHTON EAST SUSSEX BN2 0AD

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1 INSTRUCTION

- 1.1 I was instructed by Mr. Taylor by phone to carry out a tree report regarding the 2 number Monterey cypress trees situated in 54 Outerwyke Road and the alleged damage they are causing to various structures at 46 Outerwyke Road.

2 THE SITE

- 2.1 (SEE FIG 1 & PIC 1, 6 & 7) The 2 number Monterey cypress' are located on the Western boundary of 54 Outerwyke Road. This boundary is adjacent to 46 Outerwyke Road. The 2 number trees are part of a row of Monterey cypress that runs along the length of the boundary between the two properties.
- 2.2 Number 46 Outerwyke Road was built in 1934. The trees in question are approx. 60-70 years old.
- 2.3 The two trees in question are part of a group Tree Preservation Order (TPO) No. 5 (1963) confirmed by Arun District Council. The two trees in question are not within a Conservation Area.

3 THE TREES

- 3.1 (SEE FIG 1) T1 and T2 are both Monterey cypress (*Cupressus macrocarpa*). They are approx.14m tall and have a crown spread of approx 11m. They are situated so close to the boundary that the some of the trunk and root flare of both trees are trespassing into 46 Outerwyke Road. The upper crowns overhang 46 Outerwyke Road by approx 5-6m.
- 3.2 Both trees seem to be in reasonable health with no obvious defects spotted from ground level.
- 3.3 The trees were 'topped' by approx one third in 2005 as a result of local authority intervention.

4 THE PROBLEM

- 4.1 AREA 1-FRONT DRIVE (SEE PICS 3, 4 & 5) Damage through lifting and cracking of the tarmac surface has occurred. At the time of the site visit the tarmac had not been lifted so I cannot confirm that this damage is being caused by the tree roots. But in my opinion it is almost certain that the tree roots from T1 are causing this damage. This cracking and lifting has caused a trip hazard. The trunk of T1 has also grown around the car port structure and has started to envelop the timber.
- 4.2 AREA 2- GARAGE FLOOR- There is a crack in the concrete floor that stretches the width of the garage. The crack has widened with time. The concrete pad has become separated from the supporting wall and pillar. The crack starts in correlation with the tree location. My client is concerned with the future damage that may occur which could affect the structural integrity of the garage.

- 4.3 AREA 3- REAR GARDEN PAVING SLABS- (SEE PIC 8) A section of paving has lifted directly next to the trunk of T2. Again I cannot confirm that this damage is being caused by the roots of T2 but in my opinion I am almost certain that it is.
- 4.4 LIGHT DEPRIVATION & DEBRIS- As T1 & T2 are evergreen and very dense and overhang no. 46 considerably, Mr. and Mrs. Taylor suffer from light deprivation. They have to turn the lights on in rooms on the Eastern side during the day just to read or carry out every day jobs. The leaves, seeds and dead wood from these trees constantly fall onto the roof of no. 46 and therefore gets washed/blown into the gutters. Mr. Taylor has to clear the gutters every 2 months to ensure no blockages occur.

5 LEGAL CONSIDERATIONS

- 5.1 T1 & T2 are protected by a Tree Preservation Order (TPO) which is part VIII of the Town & Country Planning Act 1990. This prohibits the cutting down, uprooting, topping, lopping, willful damage or willful destruction of the trees without prior consent from the Local Planning Authority (LPA)
- 5.2 When trees (and roots) trespass directly into a neighbours land and cause damage this is considered by the courts to be an actionable nuisance as is the case in this report.
- 5.3 The owner of the property which has been damaged is within their rights to recover damages caused (See Bridges & Others v Harrow London Borough 1981) from the land owner who owns the trees.

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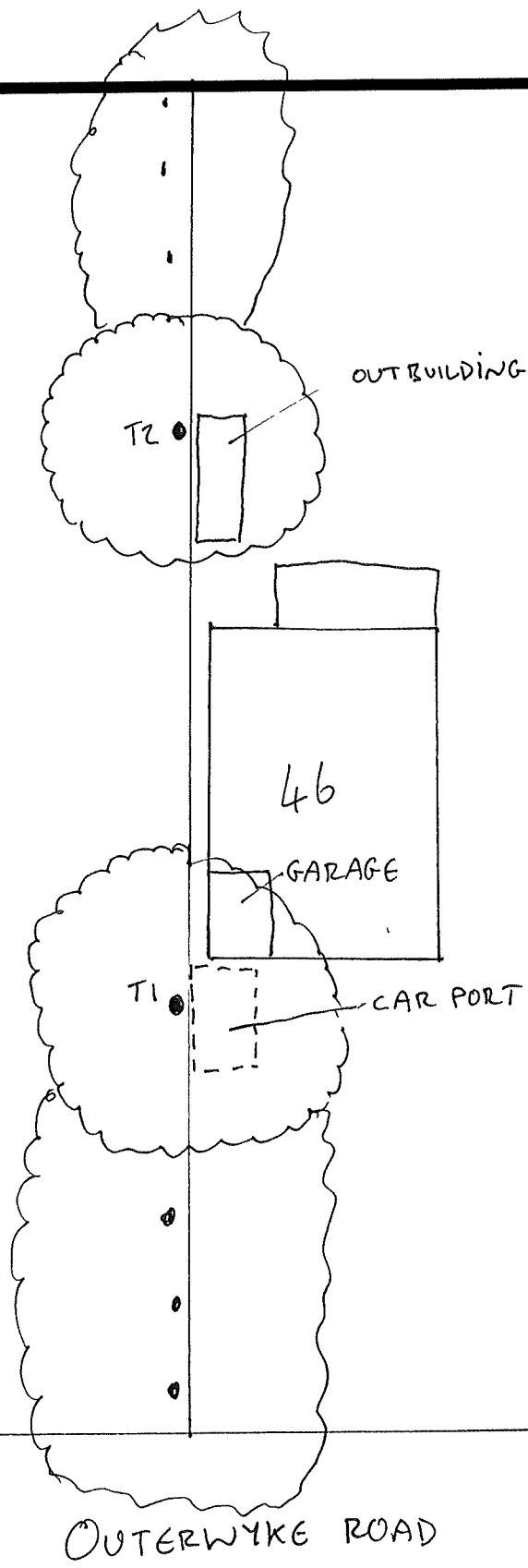
6 CONCLUSION

- 6.1 The owner of 54 Outerwyke Road has a legal obligation to put right the damage caused by T1 & T2.
- 6.2 The most likely scenario is that roots from T1 & T2 are extending under the areas mentioned in section 4.1-4.3 and as they expand in time are lifting the sub-base and base of these structures.
- 6.3 My recommendation would be to fell T1 & T2 for the following reasons;
- 6.4 It would be the most effective method of ensuring that this damage stops and does not re- occur.
- 6.5 If the bare minimum was carried out, i.e. lifting the tarmac- severing & removing roots, lifting the garage floor-severing & removing roots and lifting the slabs at the rear- severing & removing roots, it would be costly and the damage would probably occur again. This would mean a further expense at a later date.
- 6.6 It would improve the life of Mr. & Mrs. Taylor by ensuring they don't have to turn lights on during the day and have more natural light in their rooms. The gutters would also not have to be cleaned so regularly and therefore wouldn't impact on Mr. Taylor's health.
- 6.7 As these trees have been topped I would argue that they are not worthy of a TPO anymore and the LPA would remove the TPO if an application to fell was received. Obviously the tree owners' permission would be needed for this option.

7 Qualifications

- 7.1 Carlos Daly holds the Arboricultural Associations Technicians Certificate and the National Certificate in Arboriculture.
- 7.2 I have 19 years experience in Arboriculture

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Site: 46 OUTERWYKE ROAD BOGNER REGIS Client: TAYLOR	Scale: N T S Drawn Date: CARLOS DALY Drawn By: 16.12.09	Trees Understood 41 Upper Abbey Road Brighton East Sussex BN2 0AD 01273699620 07789634045 www.treesunderstood.co.uk carlos@treesunderstood.co.uk
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