

# PLANNING APPLICATION NUMBER:P10/0197

Type of approval sought	Tree Preservation Order
Ward	KINGSWINFORD SOUTH
Applicant	Mr Richard Ashton-Mackie
Location:	<b>6, WOODLAWN GROVE, KINGSWINFORD, DY6 9QE</b>
Proposal	<b>TO FELL AND REPLACE 1 NO.CHESTNUT TREE</b>
Recommendation Summary:	<b>REFUSE</b>

## TREE PRESERVATION ORDER NO: D362 (1992) – T60

### SITE AND SURROUNDINGS

1. The tree subject to this application is a mature Sweet Chestnut that is located in the rear garden of 6 Woodlawn Grove. The tree is a large specimen and prominently visible from directly in front of the house. The tree is visible across the gardens of a number of properties in Barnett Lane and from Broadfield Close. As such it is considered that the tree provides a moderate to high amount of amenity to the surrounding area.

### PROPOSAL

2. Summary of proposals for the works as written on application form is as follows:
  - Fell 1 Sweet Chestnut Tree.
3. The tree has been marked on the attached plan.

### HISTORY

4. There have been two previous Tree Preservation Order applications on this site.

Application No	Proposal	Decision	Date
95/51177	Prune 1 Chestnut Tree	Approved with conditions	26/09/95
P04/1650	Fell 1 Chestnut	Refused	25/10/04

## PUBLIC CONSULTATION

5. No public representations have been received.

## ASSESSMENT

### Tree(s) Appraisal

<i>Tree Structure</i>	<b>Tree1</b>
TPO No	T60
Species	Sweet Chestnut
Height (m)	16
Spread (m)	7
DBH (mm)	700mm
Canopy Architecture	Good
Overall Form	Good
Age Class <i>Yng / EM / M / OM / V</i>	Mature

### *Structural Assessment*

Trunk / Root Collar	Good	
Scaffold Limbs	Good	
Secondary Branches	Good	
% Deadwood	1%	
Root Defects	None Evident	
Root Disturbance	Some excavation for garage in relative close proximity	
Other		
Failure Foreseeable Imm / Likely / Possible / No	Whole No	Part No

### *Vigour Assessment*

Vascular Defects	None Evident
Foliage Defects	None Evident
Leaf Size	Not In Leaf
Foliage Density	Not in Leaf
Other	

### *Overall Assessment*

Structure	Good
Vigour	Good

<b>Overall Health</b>	<b>Good</b>
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**Other Issues**

Light Obstruction	Yes
Physical Damage	None Evident
Surface Disruption	None Evident
Debris	Yes

**Amenity**

**Assessment**

Visible	Yes
Prominence	Moderate / High
Part of Wider Feature?	No
Characteristic of Area	Yes
<b>Amenity Value</b>	<b>Moderate / High</b>

### Further Assessment

6. The applicant has proposed to fell the tree as they consider the burden of clearing the mess of the debris that falls from the tree to be unreasonable and that the shade from the tree is preventing them from enjoying the garden. Also they have safety concerns about the falling chestnuts should they hit a child playing in the adjacent garden.
7. With regards to the debris that falls from the tree, either the blossom during the spring or the leaves and chestnuts in the autumn. The clearance of such is considered to be part of routine property maintenance, and whilst it can involve considerable work at specific times of the year it is not considered sufficient justification to fell the tree.
8. The tree is located on the eastern side of the applicant's house and garden. As such the tree will only cast direct shade on to the garden first thing in the morning. Once past mid morning the tree will not cast direct shade onto the garden, and will only obstruct limited diffuse daylight from the area underneath the tree.
9. Due to the limited loss of sunlight, it is not considered that this is sufficient reason to fell the tree.
10. With regards to the possibility of a chestnut falling from the tree and injuring a child playing in the adjacent garden, the chances of such an occurrence are limited, and could be reduced even further by taking appropriate precautions, such as moving the adjacent play equipment away from the tree, or preventing children from entering under the canopy of the tree for the relevant time frame.
11. Overall it is considered that the reasons put forward to justify the removal of the tree are insufficient to warrant the felling of the tree and the resulting detrimental impact on the amenity of the area. As such it is recommended that the application is refused.

### **CONCLUSION**

12. The applicant has proposed to fell the tree as they have concerns about the amount of debris that falls from the tree, the amount of shade that the tree casts and the possibility of injury to a child as the result of a chestnut falling from the tree.
13. The clearance of debris that falls from the tree is considered part of routine property maintenance, and whilst it is accepted that it will involve considerable inconvenience at specific times of the year, it is not considered that there is sufficient justification to fell the tree.

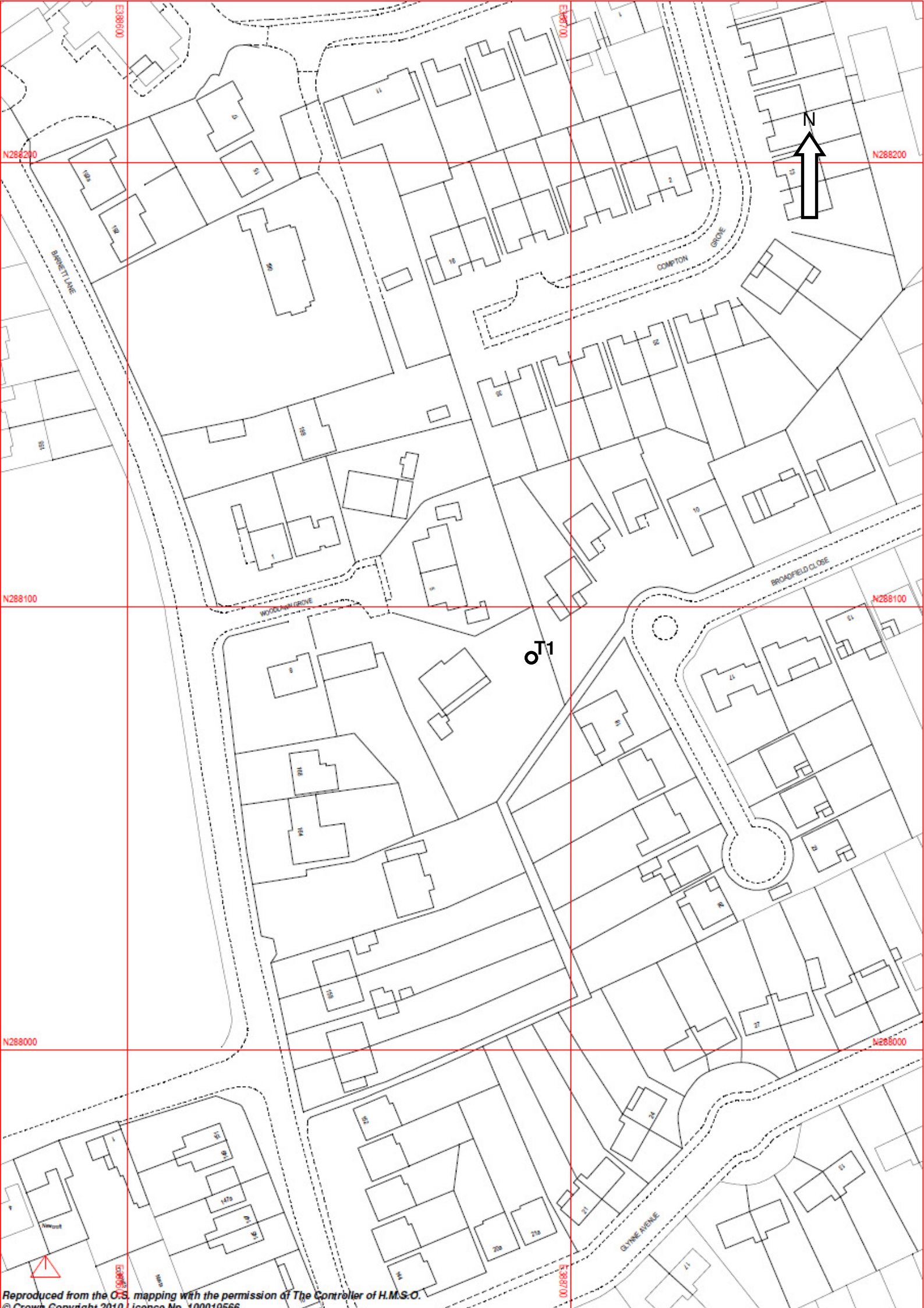
14. It is also not considered that the shade that the tree casts over the garden is significantly preventing the applicant's reasonable enjoyment of their garden. As such the tree should not be felled on these grounds.
15. The risk posed by falling chestnuts onto the neighbouring property is considered minimal, and could be reduced further by appropriate actions such as preventing access under the canopy of the tree in the autumn.
16. Overall it is not considered that the reasons for the proposed works sufficiently outweigh or justify the loss of amenity that would result from the felling. As such it is recommended that the application is refused.

## **RECOMMENDATION**

17. It is recommended that application is refused for the reasons set out below.

### Conditions and/or reasons:

1. The tree provides a high amount of amenity to the surrounding area and users of Woodlawn Grove, Barnett Lane and Broadfield Close. The reasons for the application and the supporting information do not sufficiently justify the detrimental affect on the local amenity that would result from the proposed felling



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# FIRST SCHEDULE

<u>No.</u>	<u>Description</u>	<u>Location</u>
T1	Cedar	107, Stream Road, Kingswinford
T2	Lime	107, Stream Road, Kingswinford
T3	Cypress	105, Stream Road, Kingswinford
T4	Cedar	105, Stream Road, Kingswinford
T5	Cedar	103, Stream Road, Kingswinford
T6	Cypress	103, Stream Road, Kingswinford
T7	Silver Birch	103, Stream Road, Kingswinford
T8	Cedar	103, Stream Road, Kingswinford
T9	Sycamore	101, 103, Stream Road, Kingswinford
T10	Cypress	101, Stream Road, Kingswinford
T11	Cedar	101, Stream Road, Kingswinford
T12	Silver Birch	101, Stream Road, Kingswinford
T13	Cypress	101, Stream Road, Kingswinford
T14	Cedar	101, Stream Road, Kingswinford
T15	Mountain Ash	101, Stream Road, Kingswinford
T16	Silver Birch	101, Stream Road, Kingswinford
T17	Oak	99, Stream Road, Kingswinford
T18	Cedar	93, Stream Road, Kingswinford
T19	Silver Birch	93, Stream Road, Kingswinford
T20	Cedar	93, Stream Road, Kingswinford
T21	Cedar	93, Stream Road, Kingswinford
T22	Silver Birch	93, Stream Road, Kingswinford
T23	Cedar	91, Stream Road, Kingswinford
T24	Ash	91, Stream Road, Kingswinford
T25	Silver Birch	89, Stream Road, Kingswinford
T26	Lime	89, Stream Road, Kingswinford
T27	Lime	89, Stream Road, Kingswinford
T28	Lime	89, Stream Road, Kingswinford
T29	Lime	89, Stream Road, Kingswinford
T30	Poplar	89, Stream Road, Kingswinford
T31	Poplar	89, Stream Road, Kingswinford
T32	Poplar	2, Compton Drive, Kingswinford
T33	Poplar	2, Compton Drive, Kingswinford
T34	Cedar	Methodist Church, Stream Road, Kingswinford
T35	Cedar	Methodist Church, Stream Road Kingswinford
T36	Cedar	Methodist Church, Stream Road, Kingswinford
T37	Cedar	Methodist Church, Stream Road, Kingswinford
T38	Cedar	Methodist Church, Stream Road, Kingswinford
T39	Ash	Methodist Church, Stream Road, Kingswinford
T40	Sycamore	11, Compton Drive, Kingswinford
T41	Silver Birch	190, Barnett Lane, Kingswinford



T42	Silver Birch	190, Barnett Lane, Kingswinford
T43	Douglas Fir	190, Barnett Lane, Kingswinford
T44	Douglas Fir	190, Barnett Lane, Kingswinford
T45	Sycamore	190, Barnett Lane, Kingswinford
T46	Douglas Fir	190, Barnett Lane, Kingswinford
T47	Douglas Fir	190, Barnett Lane, Kingswinford
T48	Pine	190, Barnett Lane, Kingswinford
T49	Cherry	190, Barnett Lane, Kingswinford
T50	Douglas Fir	188, Barnett Lane, Kingswinford
T51	Douglas Fir	188, Barnett Lane, Kingswinford
T52	Douglas Fir	188, Barnett Lane, Kingswinford
T53	Douglas Fir	188, Barnett Lane, Kingswinford
T54	Cypress	4, Woodland Grove, Kingswinford
T55	Douglas Fir	4, Woodland Grove, Kingswinford
T56	Larch	4, Woodland Grove, Kingswinford
T57	Cypress	4, Woodland Grove, Kingswinford
T58	Larch	5, Woodland Grove, Kingswinford
T59	Douglas Fir	5, Woodland Grove, Kingswinford
T60	Chestnut spp	6, Woodland Grove, Kingswinford
T61	Cypress	6, Woodland Grove, Kingswinford
T62	Cypress	6, Woodland Grove, Kingswinford
T63	Ash	8, Woodland Grove, Kingswinford
T64	Hawthorn	1, Woodland Grove, Kingswinford
T65	Birch	1, Woodland Grove, Kingswinford
T66	Beech	188, Barnett Lane, Kingswinford
T67	Beech	188, Barnett Lane, Kingswinford
T68	Holly	188, Barnett Lane, Kingswinford
T69	Sycamore	194, Barnett Lane, Kingswinford
T70	Douglas Fir	190, Barnett Lane, Kingswinford
G1	2 Ash, 3 Birch, 4 Cherry	Methodist Church, Compton Drive, Kingswinford
G2	4 Cypress	188, Barnett Lane, Kingswinford
G3	4 Cypress	5, Woodland Grove, Kingswinford
G4	7 Cypress	6, Woodland Grove, Kingswinford
G5	2 Lombardy Poplars	14, Broadfield Close, Kingswinford
G6	8 Lombardy Poplars	16, Broadfield Close, Kingswinford
G7	3 Silver Birch	6, Woodland Grove, Kingswinford
G8	4 Cypress	8, Woodland Grove, Kingswinford
G9	2 Hawthorn, 2 Cypress	169, Barnett Lane, Kingswinford