

## PLANNING APPLICATION NUMBER:P13/0260

Type of approval sought	Tree Preservation Order
Ward	Pedmore and Stourbridge East
Applicant	Mr Anthony Reeves
Location:	<b>20, FERNDAL PARK, PEDMORE, STOURBRIDGE, DY9 0RB</b>
Proposal	<b>FELL 1 MAPLE TREE</b>
Recommendation Summary:	<b>REFUSE</b>

### SITE AND SURROUNDINGS

1. The tree subject to this application is a mature Norway maple tree that is located in the front garden of 20 Ferndale Park Close to the boundary with 22 Ferndale Park. The tree is visible and prominent within the street scene and is considered to provide a moderate to high amount of amenity to the local area.
2. The tree is protected as T10 of the TPO 227 that was served in 1987.

### PROPOSAL

3. Summary of proposals for the works as written on application form is as follows:
  - Fell 1 Norway maple tree.
4. The trees have been marked on the attached plan.

### HISTORY

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

Application No	Proposal	Decision	Date
P10/0818	Fell 1 Maple Tree	Refused	10/08/2010
P10/0819	Prune 1 Maple tree	Refused	11/08/2010

## PUBLIC CONSULTATION

6. Two letters of support from local residents have been received. The letters support the felling of the tree on the grounds that the tree has become too large for its location; the tree causes problems when it sheds leaves and seeds; the tree block light from surrounding properties; that the roots of the tree are likely to cause damage to adjacent driveways and drains; the tree would cause damage were it to fall and that the previous pruning of the tree has cause more vigorous growth.

## ASSESSMENT

### Tree(s) Appraisal

<i>Tree Structure</i>	<b>Tree 1</b>
Species	Norway Maple
Height (m)	8m
Spread (m)	5m
DBH (mm)	300mm
Canopy Architecture	Moderate
Overall Form	Moderate
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	None Evident	
Other		
Failure Foreseeable Imm / Likely / Possible / No	Whole No	Whole 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>

**Other Issues**

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

**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**

- The applicant has proposed to fell the tree as they consider it to be too large for the garden; the tree blocks too much light from the applicant's house; the tree will block light from the neighbours extension that is currently under construction; there is potential for damage to the drains of the adjacent properties; the tree drops seasonal

debris over the neighbouring gardens and the surface roots of the tree cause damage to the lawnmower when mowing the front lawn.

8. Since the submission of the application the applicant has also raised concerns about the potential for damage to the foundations of the adjacent properties, as during the excavation of the foundations for the adjacent extension numerous roots were found.
9. On inspection the tree was found to be in a good condition with no major defects present. It was noted that the tree has been pruned in accordance with the previous approval. The tree has re-grown from the pruning works and comparing the photos from now and from before the pruning the tree has attained a similar height to before the pruning works but hasn't achieved the same lateral spread yet.
10. It is accepted that the tree will block light from the applicant's property for a period of time each afternoon, however it is not considered that the amount of shading is so severe as to prevent the applicant's reasonable enjoyment of their property. As such it is not considered that the tree should be felled on the grounds of light obstruction.
11. With regard to the light obstruction to the neighbour's prospective extension, given that the tree has been in place for a number of years, it is not considered reasonable to fell the tree due to its impact on an extension that has been designed and constructed with the tree in place.
12. Whilst the tree has substantially re-grown from the previous pruning works, it appears that the tree has developed a more vertical form following the pruning. If this vertical form was to be encouraged with further pruning of the side branches it is considered that the impact of the tree on the adjacent properties would be somewhat less than in its previous 'pre pruning' state. Also the removal of the lower branches would allow more light underneath the crown of the tree to the adjacent properties. As such it is not considered that the size and location of the tree is such to warrant its removal.
13. With regard to the potential damage to the drains of the adjacent properties, no evidence has been submitted to show that the tree either is causing damage or has caused damage to the drains in the past. Given that tree roots invariably only cause damage to drains that are either broken or have defective joints it is not considered appropriate to approve the felling of the tree on a speculative basis or to prevent damage to drains that may be defective and in need of repair anyway.
14. Similarly it is not considered that the felling of the tree can be justified on the potential for structural damage claimed on the basis of the mere presence of roots in proximity to foundations. Also given that the local soil is predominantly sandy, a soil type on which tree related subsidence is highly unlikely to occur, it is considered that there is

only a very minimal risk of tree related subsidence to either the applicant's or their neighbour's property. As such unless extra information can be provided to show that there is a higher risk of damage then it is not considered that the tree should be felled on these grounds.

15. It is accepted that seasonal debris will fall from the tree and with the wind this will be dispersed amongst the surrounding properties. However the felling of trees that provide a useful amount of amenity to the surrounding area is not considered appropriate on the basis of seasonal debris. As such the tree should not be felled on this basis.
16. It is not considered that the felling of the tree should be approved on the grounds that the surface roots of the tree cause damage to the lawnmower. Whilst surface roots can cause a problem, they can often be overcome by laying down extra soil and re-seeding. As such it is not considered that the felling of the tree can be justified for this reason.
17. Overall it is not considered that the reasons put forwards for the felling of the tree are sufficient to justify the detrimental impact on the amenity of the area that would result from the felling. As such it is recommended that the application is refused.

## CONCLUSION

18. The applicant has proposed to fell the tree as they consider it to be too large for the garden; the tree blocks too much light from the house; there is potential for damage to the property and drains; the tree drops seasonal debris over the neighbouring gardens and the surface roots of the tree can cause problems with the lawn mower.
19. On inspection of the tree it is not considered that the grounds for the felling provided by the application sufficiently justify the detrimental impact on the amenity that would result from the felling of the tree. As such it is considered that the application should be refused.

## RECOMMENDATION

20. It is recommended that application is refused for the stated reasons.

Conditions and/or reasons:

1. The maple tree subject to the proposal for felling provides a moderate to high amount of amenity to the surrounding area and users of Ferndale Park. 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.

