

PLANNING APPLICATION NUMBER:P12/0374

Type of approval sought	Tree Preservation Order
Ward	Quarry Bank & Dudley Wood
Applicant	Mr A. Johns
Location:	9, STOUR HILL, QUARRY BANK, BRIERLEY HILL, DY5 2AU
Proposal	FELL 1 WILLOW TREE
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

TREE PRESERVATION ORDER NO: TPO/0038/QBD (2010) – T1

SITE AND SURROUNDINGS

1. The tree subject to this application is a mature willow tree that is located in the front garden of 9, Stour Hill, Quarry Bank. The tree is located between the property's detached garage and the retaining wall that forms the front boundary of the property with Stour Hill. The tree is visible from the adjacent public highway and 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 Willow tree.
3. The trees have been marked on the attached plan.

HISTORY

4. There have been no previous Tree Preservation Order applications on this site.

PUBLIC CONSULTATION

5. No public representations have been received.

ASSESSMENT

Tree(s) Appraisal

<i>Tree Structure</i>	Tree 1
TPO No	T1
Species	Willow
Height (m)	9
Spread (m)	8
DBH (mm)	750
Canopy Architecture	Moderate – Previously topped
Overall Form	Good
Age Class <i>Yng / EM / M / OM / V</i>	Mature

Structural Assessment

Trunk / Root Collar	Good	
Scaffold Limbs	Some decay following previous topping	
Secondary Branches	Moderate – will require re-pollarding in near future	
% Deadwood	7%	
Root Defects	None Evident	
Root Disturbance	None Evident	
Other		
Failure Foreseeable Imm / Likely / Possible / No	Whole No	Part No / Possible

Vigour Assessment

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

Overall Assessment

Structure	Moderate
Vigour	Good
Overall Health	Good / Moderate

Other Issues

Light Obstruction	No
Physical Damage	Extensive cracking to adjacent driveway, also horizontal displacement to adjacent

	retaining wall
Surface Disruption	None Evident
Debris	Some

Amenity Assessment

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

6. The applicant has proposed to fell the tree as they believe the tree is implicated in the subsidence of the adjacent garage structure and the displacement of the adjacent retaining wall.
7. On inspection the tree was found to be in a reasonable condition. There was some decay present in the main stem and scaffold limbs; however it is considered that as long as the tree is managed as a pollarded tree at regular intervals there would be no foreseeable failure. As such it is not considered that the felling of the tree is warranted on the grounds of the health of the tree.
8. With regard to the alleged implication into the subsidence of the attached garage, the applicant has submitted the surveyors report from when they bought the property, and photos of the damage in support of the application.
9. On my inspection the soil type was found to be clay, and the damage to the building was observed to be of a pattern that would suggest a downward movement on the side of the garage adjacent to the tree. Whilst the information submitted would not usually be considered sufficient to implicate the tree in structural damage, it is considered in this case that the scale and pattern of damage; the proximity of the tree and the soil type combine and present a strong case to implicate the tree in the damage.
10. With regard to the displacement of the retaining wall it is considered that due to the proximity of the tree and the nature of the damage it is considered that it has been caused by lateral pressure from tree roots pushing against the inside of the wall.
11. Due to the limited distance between the base of the tree and the wall it is not considered that it would be possible to remedy the problem through the removal of roots and the re-building of the wall at its damaged sections.

12. Given the acceptance of the implication of the tree in the damage to the adjacent structure and the damage to the retaining wall it is considered that there is substantial justification for the felling of the tree. The removal of the tree will have a detrimental impact on the amenity of the area, however given the damage that it has caused it is considered that the justification is sufficient to outweigh the loss of amenity value.

CONCLUSION

13. The applicant has proposed to fell the tree as they believe it to be the cause of subsidence damage to the adjacent garage and cause of displacement to the adjacent retaining walls.
14. On inspection it was considered that due to the type of tree, the proximity of the tree to both the garage and the retaining wall; the nature of the damage on the site and crucially the type of soil, it is considered that the tree will be the cause, or at least a significant cause in the damage to the structures. As such it is considered that there is sufficient justification to warrant the tree's removal.

RECOMMENDATION

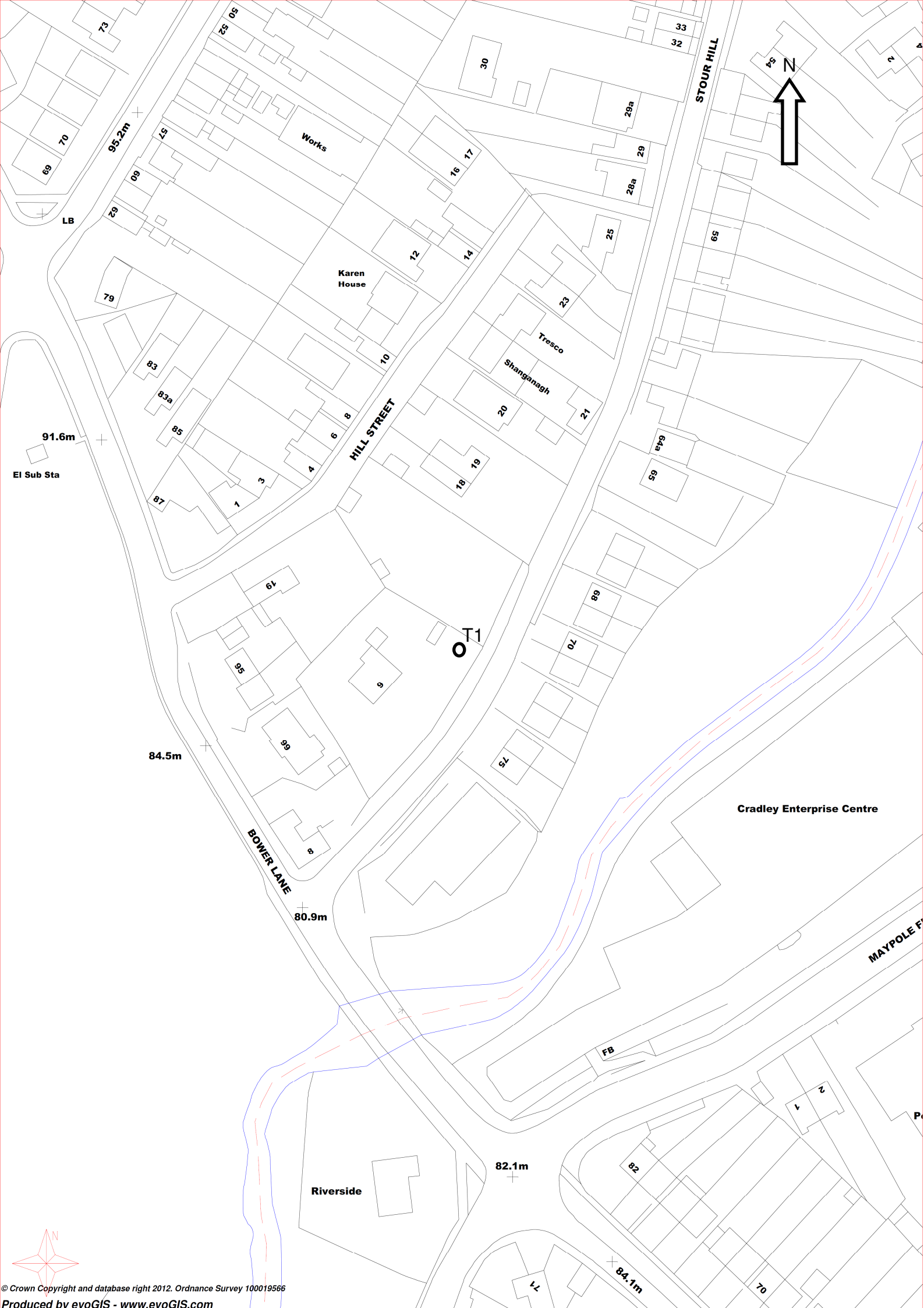
15. It is recommended that application is approved for the stated conditions..

Conditions and/or reasons:

1. A replacement tree shall be planted between the beginning of November and the end of March, within 1 year of felling (and replanted if necessary) and maintained until satisfactorily established. The size, species and locations of the replacement trees shall be agreed in writing with the Local Planning authority prior to the felling of the trees to which this application relates.
2. The tree works subject of this consent shall be carried out in accordance with British Standard BS 3998:2010 'Recommendations for Tree Work'.

Recommendation:

Subject to the granting of permission to fell the tree subject to this application it is recommended that members also grant permission for the Borough of Dudley (9 Stour Hill, Quarry Bank) (TPO/0038/QBD) Tree Preservation Order 2010 to be revoked, as the tree subject to this application is the only tree protected by the said order.



SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually

(Encircled in black on the map)

Reference on Map	Description	Situation
T1	Willow	Eastern Corner of 9 Stour Hill, Quarry Bank

Trees specified by reference to an area

(Within a dotted black line on the map)

Reference on Map	Description	Situation
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NONE

Groups of trees

(Within a broken black line on the map)

Reference on Map	Description	Situation
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NONE

Woodlands

(Within a continuous black line on the map)

Reference on Map	Description	Situation
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NONE



**Map referred to in the Borough Council of Dudley
Tree Preservation Order 2010 – TPO/0038/QBD
9 Stour Hill, Quarry Bank.**

ORDNANCE SURVEY MAPPING IS BASED UPON THE ORDNANCE SURVEY MAP WITH THE
SANCTION OF THE CONTROLLER OF H M STATIONERY OFFICE .
LICENCE NUMBER LA 076171

DRAWING

GRID REF

SCALE 1/1250