

## PLANNING APPLICATION NUMBER:P15/0398

Type of approval sought	Tree Preservation Order
Ward	St Thomas's
Applicant	Mr & Mrs M. Poulton
Location:	<b>1, MILES GROVE, DUDLEY, DY2 7TT</b>
Proposal	<b>PART A: FELL 1 SYCAMORE TREE (T1): PART B: FELL 2 SYCAMORE TREES (T2 &amp; T3)</b>
Recommendation Summary:	<b>PART APPROVE &amp; PART REFUSE (SPLIT DEC'N)</b>

### SITE AND SURROUNDINGS

1. The trees subject to this application are three mature sycamore trees that are located within the cartilage of 1 Miles Grove. There are two trees in the front garden and one in the rear garden.
2. The trees are all visible from the adjacent Oakham Road, and are all considered to provide a significant amount of amenity to the surrounding area.
3. The trees are protected as Tree 1, Tree 2 and Tree 4 of TPO 124 that was served in 1982, prior to the development of the houses in Miles Grove.

### PROPOSAL

4. Summary of proposals for the works as written on application form is as follows:
  - Part A: Fell 1 Sycamore tree (T1):
  - Part B: Fell 2 Sycamore Trees (T2 & T3)
5. The trees have been marked on the attached plan.

## HISTORY

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

Application no.	Proposal	Decision	Date
84/51919	Remove 3 branches from Sycamore	Approved with conditions	15/11/84
P03/2108	Fell 1 Sycamore and prune 2 sycamore trees	Approved with conditions	02/02/04

## PUBLIC CONSULTATION

7. No public representations have been received

## ASSESSMENT

### Tree(s) Appraisal

<i>Tree Structure</i>	Tree 1	Tree 2	Tree 3
Species	Sycamore	Sycamore	Sycamore
Height (m)	16	15	16
Spread (m)	14	9	12
DBH (mm)	700	500	600
Canopy Architecture	Good	Good	Good
Overall Form	Good / Moderate	Good / Moderate	Good
Age Class <i>Yng / EM / M / OM / V</i>	Mature	Mature	Mature

### *Structural Assessment*

Trunk / Root Collar	Good		Good		Good	
Scaffold Limbs	Good		Good		Good	
Secondary Branches	Good		Good		Good	
% Deadwood	3%		3%		3%	
Root Defects	None Evident		None Evident		None Evident	
Root Disturbance	None Evident		None Evident		None Evident	
Other						
Failure Foreseeable <i>Imm / Likely / Possible</i>	Whole No	Part No	Whole No	Part No	Whole No	Part No

/ No						
------	--	--	--	--	--	--

#### *Vigour Assessment*

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

#### *Overall Assessment*

Structure	Good	Good	Good
Vigour	Good	Good	Good
<b>Overall Health</b>	<b>Good</b>	<b>Good</b>	<b>Good</b>

#### Other Issues

Light Obstruction	Some	No	Yes
Physical Damage	Cracking to adjacent retaining wall	Historic infiltration of drains – no evidence submitted of any current problems	None evident
Surface Disruption	Significant root traces in driveway	None Evident	None Evident
Debris	Yes	Yes	Yes

#### Amenity Assessment

Visible	Yes	Yes	Yes
Prominence	High	High	High
Part of Wider Feature?	Yes	Yes	Yes
Characteristic of Area	Yes	Yes	Yes
<b>Amenity Value</b>	<b>High</b>	<b>Moderate / High</b>	<b>High</b>

#### Further Assessment

- The applicant has proposed to fell the trees as they consider them to be too large for the size of the property; the trees produce prolific amounts of seed and other seasonal debris which requires regular clearing to prevent problems with guttering etc; the trees are in potential influencing distance of the house; tree roots have blocked drain pipes on two occasions in the past; The roots have damaged the adjacent driveway, and still have the potential to get bigger.

9. On inspection the trees were found to be in a good condition with no major defects present. It is not considered that there are any grounds to fell the trees due to their condition.
10. Whilst it is accepted that the trees are relatively large in relation to the property, the relationship between the trees and the property is not dissimilar to a number of other properties in the area. It is not considered that their size and proximity is sufficiently excessive to prevent the reasonable enjoyment of the property, as such it is not considered that the trees should be felled on the grounds of their size in relation to the property.
11. The trees do still have some more growth potential, and may get larger, however it is considered that they have already attained a substantial majority of their eventual size, and as such the impacts on the property are unlikely to significantly increase. As such the felling of the tree should not be granted on these grounds.
12. Given the size and age of the trees, it is accepted that they will produce substantial amounts of seasonal debris, including seeds that will require clearing at various periods during the year. It is also accepted that when the seeds are deposited from the trees some may germinate. However the clearance of seasonal debris, including that which falls in to the guttering of properties is considered to form part of reasonable property maintenance, and is certainly not considered sufficient grounds to fell high value trees. This view point is regularly confirmed at appeal, where the Planning Inspectorate take the same view.
13. Where the applicant's refer to the trees being in potential influencing distance of the house it is taken that this is a reference to potential damage to the foundations. Whilst the trees are within the known range of recorded damage incidents for sycamore, this in itself does not suggest that the trees are likely to cause damage to the foundations, as tree related subsidence is dependent on a number of factors. Given the inherent unpredictability of tree related subsidence it is not considered that the felling of high amenity value trees can be justified on the grounds of proximity to the property alone.
14. Given the path of the drainage pipes, and the location of Tree 2, it is considered that the roots that were found within the drain would have come from this tree. Roots are unable to break into drains, but can exploit relatively small cracks. This is common with older terracotta section drains, as they are liable to frost damage and their cement joints are liable to fail as a result of natural ground movement.

15. The lining of the drains that was previously undertaken usually prevents any recurrence of root ingress as there are no joints or cracks to be exploited. Given that no evidence has been submitted of any further root ingress it is not considered that the trees should be felled on these grounds.
16. It is accepted that Tree 1 has caused damage to the driveway, as can be seen by the various root traces that are located within the driveway. It was also noted that Tree 1 has damaged the boundary retaining wall. No damage was observed in close proximity to Tree 2.
17. Tarmac is particularly unforgiving of tree root damage, due to its relatively brittle nature. As such root action only becomes evident when damage occurs. Other surfaces such as block paving are more forgiving, as whilst they will not prevent the occurrence of damage they do, at least, normally offer an opportunity for repair and the re-laying of the driveway.
18. The damage caused by Tree 1 is considered to be the result of the access driveway that was created when the property was built being cut into the bank on which the tree stands. As such this brought the driveway into the existing root horizon and made root damage to the driveway much more likely. Whilst the installation of a more appropriate surface would help the situation, given the surfaces proximity to the roots of the tree damage is always going to be likely.
19. Given that the level of the driveway adjacent to tree 2 appears to be closer to the level of the natural ground level, it is considered that damage to this section of driveway is less likely.
20. Overall it is considered that whilst damage to the driveway caused by Tree 1 will always be likely, it is considered that with appropriate surfacing Tree 2 could be retained. Combined the damage to the drive by Tree 1 with the damage to the front retaining wall and it is considered that the felling of Tree 1 could be justified.
21. Having considered the grounds of the application it is not considered that a sufficient case has been made for the felling of Trees 2 or 3, but that due to the damage to the drive and the boundary wall, there is sufficient justification for fell Tree 1.
22. The removal of Tree 1 will have a detrimental impact on the amenity of the area, as this is the most prominent and valuable of the three trees. However it is considered that the impact on the public amenity is justified by virtue of the ongoing damage to the drive and retaining wall.

23. A replacement tree would normally be required in order to mitigate the impacts of the removal of a high value trees, in this case the applicants have specifically requested that no replacement trees are required due to the number of other trees in the garden.
24. However it is considered that a replacement tree should be required in the front to at least go some way to mitigating the impact on the amenity of the area. The replacement tree should be a smaller, more ornamental tree, that whilst will not grow as big as a sycamore will still provide some amenity to the area.
25. Overall it is considered that the proposed felling of Tree 1 is acceptable, but that the proposed works to Trees 2 & 3 have not been justified. As such it is recommended that the application is part approved and part refused.

## CONCLUSION

26. It is considered that the proposed felling of Tree 1 has be justified by virtue of the ongoing damage that the tree is causing to the wall and the driveway, and the difficulties in an adequate and appropriate repair. The felling of Tree 1 will have a detrimental impact on the amenity of the area, and as such it is recommended that a replacement tree is required, albeit a smaller ornament species.
27. It is not considered that a sufficient case has been made to justify the further impact on the amenity of the area that would result from the felling of Trees 2 & 3.
28. As such it is recommended that that application be part approved (Tree 1) and part refused (Tree 2 & 3)

## RECOMMENDATION

29. It is recommended that PART A of the application be refused and that PART B of the application is approved subject to the stated conditions.

### Reason For Approval

30. The works recommended for approval are considered to be justified by virtue of the damage that the tree is causing to the driveway and the adjacent retaining wall. It is not considered that there is a proportionate and sustainable solution that would sufficiently repair the damage without caused unacceptable damage to the tree.

Conditions and/or reasons:

1. Notwithstanding any of the details on the submitted application forms, the works hereby approved are as follows:-  
Schedule:  
T1 - Sycamore (on boundary between front garden and Oakham Road) - Fell.
2. The tree works subject of this consent shall be carried out in accordance with British Standard BS 3998:2010 'Recommendations for Tree Work'.
3. A replacement Ornamental Hawthorn (*Crataegus laevigata* "Pauls Scarlet") 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 replacement tree shall be located within the grassed area bordering onto Oakham Road. The size of the tree at planting shall be no less than 1.8 - 2.5 metres tall and the trees are to be prepared in the nursery as a 'Standard'. There shall be no alteration or deviation from the above specification without prior written approval from the Local Planning Authority. The 2 Sycamore trees (T2 on the boundary of the front garden and Miles Grove and T3 in the rear garden) are considered to provide a moderate to high and a high amount of amenity to the surrounding area and users of Oakham Road. It is not considered that the proposed felling of the trees has been sufficiently justified, and as such the detrimental impact that would result from the proposed works has not been justified.

